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Massachusetts Office for Children

Help for Children Policy and Procedures Manual

GOVERNMENT DOCUMENTS
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Office of Massachusetts
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Michael S. Dukakis
Governor

Philip W. Johnston
Secretary of Human Services

Mary Kay Leonard
Director, Office for Children

June '87

1947-48
The following is a list of the names of the persons who have been elected to the office of the President of the United States since the year 1789.
George Washington 1789-1797
John Adams 1797-1801
Thomas Jefferson 1801-1809
James Madison 1809-1817
James Monroe 1817-1825
John Quincy Adams 1825-1829
Andrew Jackson 1829-1837
Martin Van Buren 1837-1841
William Henry Harrison 1841-1845
John Tyler 1845-1849
Franklin Pierce 1853-1857
James Buchanan 1857-1861
Abraham Lincoln 1861-1865
Andrew Johnson 1865-1869
Ulysses S. Grant 1869-1877
Rutherford B. Hayes 1877-1881
James A. Garfield 1881-1885
Chester A. Arthur 1885-1893
Grover Cleveland 1893-1897
William McKinley 1897-1901
Theodore Roosevelt 1901-1909
Woodrow Wilson 1913-1921
Warren G. Harding 1921-1923
Calvin Coolidge 1923-1933
Herbert Hoover 1933-1945
Franklin D. Roosevelt 1933-1945
Dwight D. Eisenhower 1953-1961
John F. Kennedy 1961-1963
Lyndon B. Johnson 1963-1969
Richard M. Nixon 1969-1974
Gerald R. Ford 1974-1977
Jimmy Carter 1977-1981
Ronald Reagan 1981-1989
George H. W. Bush 1989-1993
Bill Clinton 1993-2001
George W. Bush 2001-2009
Barack Obama 2009-2017
Donald Trump 2017-2021
Joe Biden 2021-2025



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF HUMAN SERVICES

OFFICE FOR CHILDREN

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Purpose of the HFC Policy and Procedures Manual

The first HFC Policy Manual, issued in 1978, laid the groundwork and described the operations of the HFC Program. That manual was designed and implemented as a model of standardization, to be used statewide by area, regional and central programs, in order to provide an efficient and effective system for the delivery of information, referral, follow-up and advocacy services for children.

The first revisions of the HFC Policy Manual began in 1984. A committee of Area Child Advocates, HFC Regional Managers and Central Office Advocacy staff set out to incorporate the views and reflect the experience of area staff in handling increasingly difficult and complex advocacy cases, and also to articulate the standards and procedures for the following HFC Program functions: information and referral, case advocacy, issue advocacy and public and community education.

The "HFC Policy and Procedures Manual" sets forth standards and procedures for each program component within the context of the Area, Regional and Central Office operations.

Background: OFC and HFC

The Office for Children was created by state law in 1972. M.G.L. Chapter 28A, states specifically in Section 4, subsections (a) and (k) that the Office shall serve as advocate and provide an articulate focus for the needs of children and provide information and referral to persons seeking children's services. Section 7, subsection (b) requires Councils for Children, in accordance with guidelines and procedures established by the Office, to develop an information and referral service for persons seeking services for children within the Council locality. In 1973 The Help for Children Program (HFC) was established by the Office and Councils to fulfill this mandated responsibility to children.

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PHILOSOPHY AND GOALS

The Help For Children Program

The Help for Children Program strives to guarantee every child a fair opportunity to reach his/her full potential by assuring that service delivery systems and institutions serve children and families. Advocacy is directed toward improving life and conditions for both individual children and groups of children.

All children and families have specific rights and needs, and should be assured access to entitlements, benefits and services. Families and children are usually their own best advocates and every opportunity must be afforded for the fullest participation of families and children in developing and accessing appropriate services. Whenever a conflict arises between a child's needs and the needs of the family unit or a family member, the child's interest is paramount.

GOALS

The three goals of the Help for Children Program are:

- to bring children with unmet needs to the most appropriate resource in the shortest possible time;
- to ensure that children's needs are met by requiring service agencies to meet their commitments and responsibilities;
- to identify barriers to currently available resources, and promote the establishment of resources that are not readily available.

FUNCTIONS

The functions of the Help for Children Program are:

- to provide a statewide information and referral system on children's services, and to identify appropriate service resources for children;
- to provide advocacy services when needed to expedite service provision, assure that needs are met and ensure

that agencies are meeting legislative mandates, commitments and responsibilities; to educate and support clients and other professionals in learning how to be advocates; to maintain a data system that accurately documents children's unmet needs, barriers to service, and gaps in service and to report those findings to the Director of the Office for Children, Councils and other State agencies and the Legislature;

- to provide information that assists the Councils for Children in fulfilling their mandate of issue advocacy through needs assessment, proposal review, program evaluation and monitoring;
- to provide an efficient system for collection, compilation, indexing, filing and dissemination of resource information.

PRINCIPLES AND STANDARDS OF SERVICE PROVISION

The Help for Children Program recognizes effective interagency networking as essential to successful advocacy. Interagency networking is a process whereby productive relationships between public and private agencies are developed. Help for Children staff systematically share information and resources to facilitate interagency communication and coordination of service delivery.

These principles are carried out by ensuring the following standards are met:

- quality information, referral, follow-up and advocacy services are available for all children within Massachusetts;
- information, referral, follow-up and advocacy services for children are publicized and easily accessible to all residents of Massachusetts;
- a broad range of resource information to include lists, resource materials, and reference materials regarding a wide range of children's services is developed within each area and regional Help for Children Program; services are provided based upon a child's need (s).
- The Help for Children Program as a program of the Office for Children, a state agency, is bound by state and federal laws to guarantee equal treatment of all who seek access to its services. No discrimination is tolerated on the basis of race, creed, political

affiliation, color, sex, national origin, age or handicap.

Help for Children recognizes the concerns and needs of the handicapped, and of the linguistic and cultural minorities. Help for Children at all times will foster among its staff a sensitivity to the needs of those with disabilities and of those cultural, ethnic, and linguistic minority groups residing in Massachusetts.

Help for Children staff shall:

- Treat all children and parents with consideration and respect.
- Advocate in the best interest of the child.
- Provide information, referral, follow-up and advocacy services as promptly as possible.
- Afford clients the opportunity to be active participants in the planning and use of services which affect them.
- Keep clients informed of the status of their case.
- Safeguard information, communications and records concerning all clients according to the laws regarding confidentiality.
- Not discriminate against any client or family on the basis of race, creed, political affiliation, color, sex, national origin, age, or handicap.
- Be sensitive to the cultural, ethnic and linguistic difference of the various minority groups in their client population.
- Communicate orally or in writing in the native language of the client, or in a manner that the client can understand.
- Ensure that its services, facilities, communications and meetings are accessible to handicapped persons.
- Be sensitive to the special problems faced by refugee families.

DEFINITIONS

As used in these procedures, the following words shall have the following meanings:

- ADVOCACY: Advocacy is action on behalf of a child needing services, aimed at securing a specific service or receiving an entitlement. Advocacy is directed toward change with an ultimate goal of self-advocacy.
- AGENCY: Any state or federal department, office commission, board, institution, or public or private medical, educational, or social service institution.
- AREA: One of the forty-three council areas of the Office for Children.
- ASSESSMENT: The process of gathering and evaluating information to determine which service(s) the client needs and identify who could best provide the service(s).
- AUDIT TRAIL: An HFC Form. (see Appendix)
- CASE: A numbered service request which has been entered into the Office for Children's Help for Children data collection system.
- CASE NUMBER: The eight digit number that identifies and differentiates service requests.
- CASE RECORD: A document identified by a client's name or case number on a file folder, card file, or case intake log sheet. A case record includes any and all case specific information received or prepared by the Advocate.
- CHILD: A person under the age of eighteen, or under the age of twenty-two if such person is disabled or has special needs. The term "disabled" refers to physical or mental impairment which substantially limits one or more major life activities. The term "special needs" refers to permanent or temporary disability arising from intellectual, sensory, emotional, physical, or environmental factors,

cerebral dysfunctions, perceptual factors, or other specific learning impairment, or any combination thereof inhibiting a child from achieving his or her full potential.

CLIENT: The child or family on whose behalf a service request has been made and who is the data subject. (Client's Authorized Representative has the right to take any action that the client may take in his or her behalf.)

DAY: Calendar day.

EMERGENCY: An immediate and substantial danger of significant harm to the client or others.

ESCALATION: Movement of a case from a lower to a higher level , e.g. from an area to a region or from a region to a central level.

FIPA FAIR INFORMATION PRACTICES ACT - State and federal statutes which govern the maintenance, dissemination and protection of personal data held by federal and state agencies. The Executive Office of Human Services has promulgated regulations which provide instructions for implementing these statutes in Massachusetts (M.G.L. Chapter 66). See appendix.

FOIA FREEDOM OF INFORMATION ACT - State and federal statutes which govern the maintenance, dissemination, protection and destruction of public records held by federal and state agencies. The Executive Office of Human Services and the Secretary of State have promulgated regulations which provide instructions for implementing these statutes in Massachusetts (M.G.L. Chapter 66). See appendix.

INFORMATION: (Direct) Knowledge about the client obtained directly from the client.

INFORMATION: (Indirect) Knowledge about the client obtained from a person or source other than the client.

IKM: Individual Kid Money - A fund administered by the Office for Children and available to a HFC advocate to purchase short-term or emergency services for an individual child or family.

INTERAGENCY
TEAMS:

Those regional and central interagency children's service teams, chaired by the Office for Children, with statutory authority to determine "which agency shall provide or contract for appropriate services to a child in cases where disputes arise.

(M.G.L. Chapter 28A, Section 6A, Chapter 288 of the Acts of 1983.)

RELEASE OF
INFORMATION:
(General)

A written authorization signed by the client or client's parent(s) or guardian(s) and giving the advocate permission to act on behalf of the client as well as to collect or share verbal or written personal information as required for case advocacy. (see appendix)

RELEASE OF
INFORMATION:
(Interagency
Team)

A written authorization signed by the client or client's parent(s) or guardian(s) and giving the Interagency Team permission to act on behalf of the client as well as to collect or share verbal or written personal information as required for case advocacy. The Interagency Release describes the primary function of the TEAM process, lists the agencies that participate and states that all client and third party information in a case record is shared with Team Members.

RESOLVED:

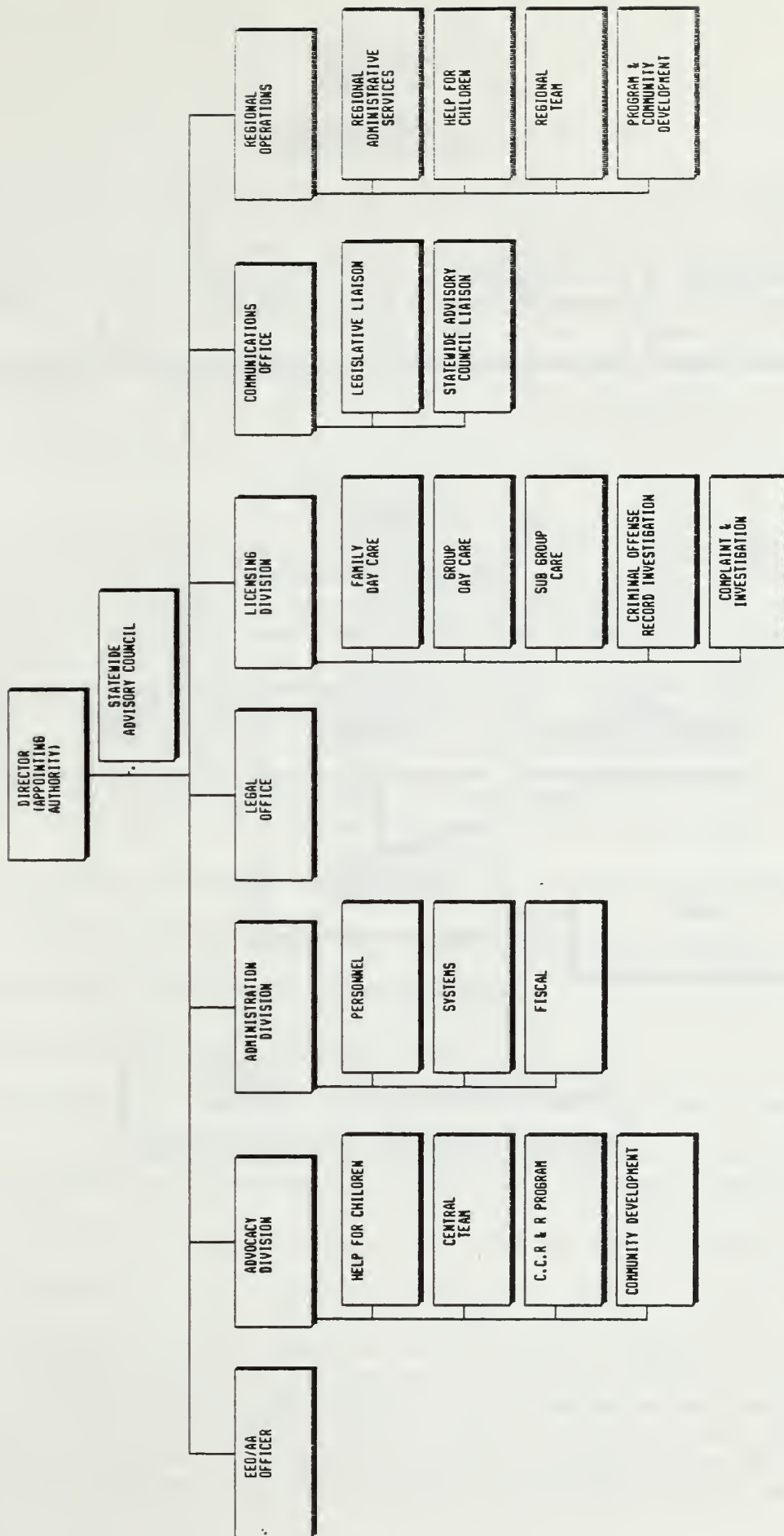
Case in which the requested service or a mutually agreed-upon alternative service is being provided.

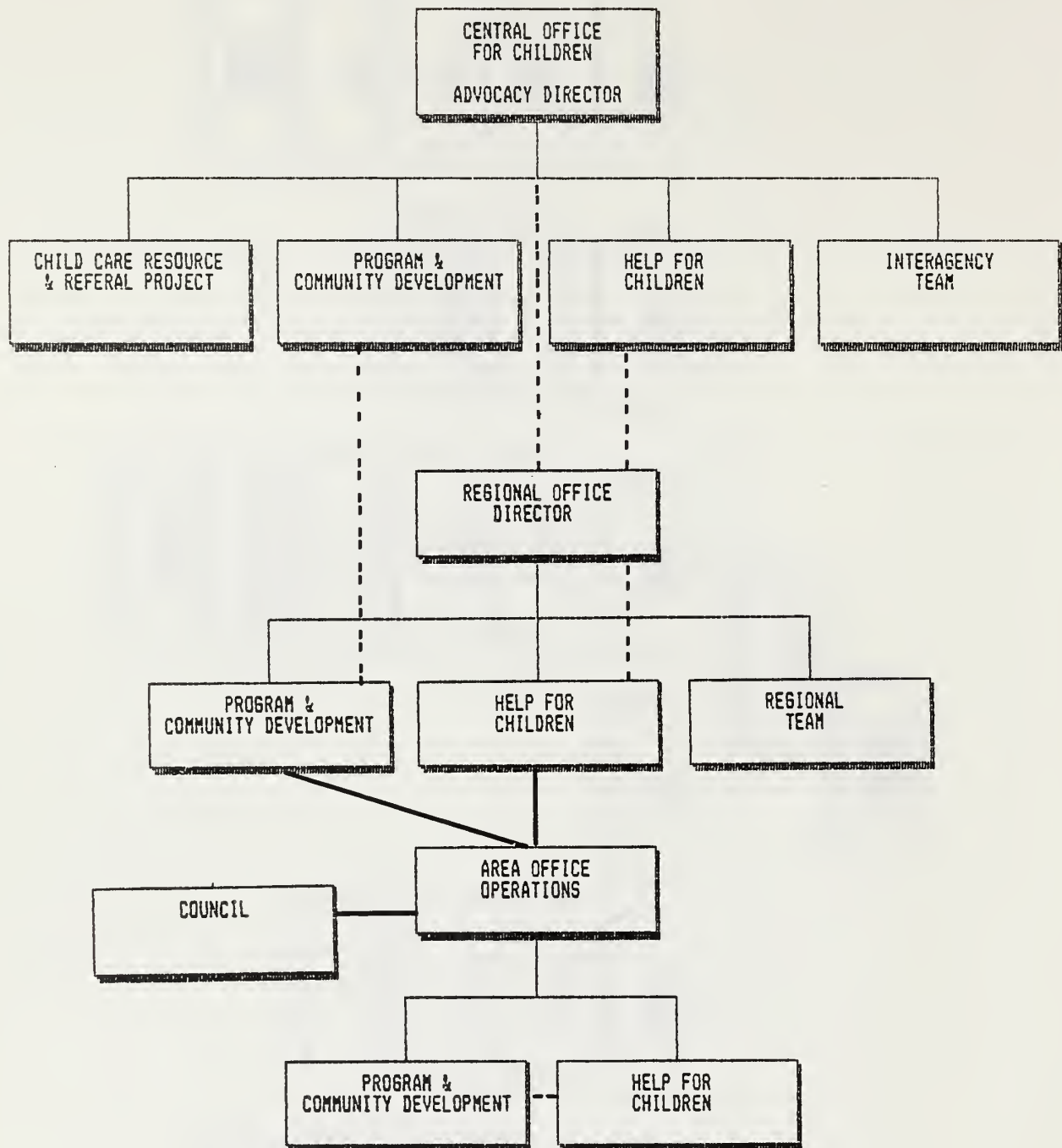
SERVICE:

Individual or programmatic assistance to a child.

SERVICE
REQUEST:

The request for a specific service on behalf of one child or one family.





STAFF STRUCTURE AND FUNCTIONS

The Help for Children Program operates on a design model of area, regional and central levels. Statewide programmatic supervision, planning, and policy development originates from the Central Office. Each regional office houses supervisory and administrative staff who oversee daily operations of the area offices. The Regional Director is ultimately responsible for all regional program operations. The Regional Help for Children Program Manager oversees the administration of the area and regional Help for Children Program and is responsible to the Regional Director. Each area office has Help for Children staff in addition to staff from other OFC programs.

The Child Advocate Coordinator, the Regional HFC Program Manager, the Regional Director and the Central HFC Program Manager establish working relationships with educators and human service professionals to coordinate efforts and ensure that Massachusetts children receive appropriate services. HFC staff are not mandated reporters pursuant to the state statutes for Protection of Children (M.G.L. C119, s51A). Each (HFC) supervisor will provide his/her staff with guidance to appropriate educators and human service professionals.

The CHILD ADVOCATE COORDINATOR (Advocate) is the primary deliverer of Help for Children Services. The Advocate:

- o provides information on availability of services
- o refers clients to appropriate service providers
- o provides individual case advocacy
- o coordinates service delivery
- o mediates and negotiates for services and service delivery
- o collects data identifying service requests, availability of services, barriers and gaps in service delivery
- o completes monthly activities and narrative reports
- o completes annual activities and narrative reports

The AREA SECRETARY provides direct clerical support to the Advocate. Screening phone calls and providing basic information to callers is an important component of the Area Secretary's role in the Help for Children Program. Record keeping, maintenance of file systems and data collection are vital functions of the Help for Children Program that are directly dependent upon secretarial support.

The HELP FOR CHILDREN REGIONAL PROGRAM MANAGER is located in a regional office/and is primarily responsible for supervising the area based Help for Children Programs. The Regional HFC Manager may meet with the Regional Chairperson's group to discuss with and give information about the HFC Program and the needs of children within the Council areas.

The OFC REGIONAL DIRECTOR administrates all Office for Children programs operating within a particular region. The Regional Director also works closely with the Help for Children Program Manager to assure that programmatic service delivery is consistent with the Office for Children/Help for Children policies and procedures. Regional Directors report to the Office for Children Director.

The HELP FOR CHILDREN PROGRAM MANAGER is responsible for the statewide coordination of planning, development, monitoring, and evaluating the Help for Children Program. The Central HFC Program Manager compiles statewide monthly and annual reports. The Help for Children Program Manager works closely with Regional Directors and Unit Directors to assure consistent program implementation statewide and integration of the Help for Children program with other Office for Children divisions and units.

I. CENTRAL HELP FOR CHILDREN PROGRAM

The primary function of the Central Help for Children Program is to establish statewide HFC policies by coordination, planning, development, and monitoring HFC activities.

Central Office is responsible for:

- o Program Administration
- o Coordination and Integration
- o Technical Assistance
- o Public Education
- o Issue Advocacy

A. PROGRAM ADMINISTRATION

1. Development of standards and procedures for HFC on:

- a) Advocacy Case Practice
- b) Caseload

- c) Information and Referral
 - d) Storage and Destruction of Records
 - e) Data Administration and Analysis
 - f) IKM Administration and Analysis
 - g) Linkage between OFC Programs
 - h) Supervision
2. Strengthen and standardize the HFC Program through periodic review and revision of Standards & Procedures.
 3. Monitor and assess implementation of Standards & Procedures.
 4. Develop a mechanism for Issue Advocacy.
 5. Maintain records documenting the HFC Program activities.
 6. Develop statewide reports on the HFC Program.
 7. Establish systems to maintain and disseminate updated resource information.
 8. Participate in the identification and development of the HFC Program budget needs.

B. COORDINATION AND INTEGRATION

1. Provide a forum for communication between regions to ensure HFC Program continuity and assist Regional HFC Managers to identify common goals, problems, achievements, and needs.
2. Confer with the Central Team Manager both to provide information to the Team and to use information provided by the Team to develop the HFC program.
3. Share the identified goals and issues of the HFC Program with Regional, Central Office staff and SAC liaison.
4. Disseminate information on training activities to all regions.
5. The Central Data Coordinator shall be responsible for the overall management, interpretation, analysis of the data statewide and dissemination of information to appropriate units within OFC.

6. The Central Data Coordinator shall establish and issue yearly schedules for data submission.
7. Central Data Coordinator shall monitor statewide data submission, verification reports, and caseloads.

C. TECHNICAL ASSISTANCE

1. Provide orientation, in-service training and support to Regional HFC Program Managers.
2. Provide technical support to HFC Regional Managers to assist Managers implement standards for Regional HFC Programs and develop and implement Regional HFC workplans.
3. Assist staff development by providing statewide training and peer support, and assist regional HFC staff develop regional training.

D. PUBLIC EDUCATION

1. Participate in agency and interagency forums and committees.
2. Confer with the OFC communication officer to write and publish public information about OFC and HFC program.
3. Disseminate reports concerning children's issues and service needs identified through HFC data, staff activities, and interagency groups.

E. ISSUE ADVOCACY

1. Compile and analyze HFC data to identify barriers and gaps in service documented in individual cases and provide that data to the Director of OFC, SAC, EOHS, and other advocacy groups.
2. Join other central, regional, and area staff to develop policies that address internal problems or needs identified by HFC data.
3. Participate in interagency groups to assist agencies resolve policy issues or program development needs

II. REGIONAL HFC PROGRAM

The primary functions of the Regional Help For Children Program are as follows:

- o Program Administration
- o Coordination and Integration
- o Supervision
- o Public Education
- o Issue Advocacy

A. PROGRAM ADMINISTRATION

1. Implement and monitor HFC standards and procedures established by the Central Office. (see HFC Program function A. 1. [a-f])
2. Develop a Regional workplan integrating the regional and area goals with the statewide HFC Program priorities.
3. Maintain records and reports documenting regional and area HFC Program activities and issues.
4. Administer and monitor area and regional IKM systems.
5. Develop a back-up plan to ensure staff coverage for the area HFC Program.
6. Develop and implement both individual and unit training plans for Help for Children staff.
7. Provide comprehensive orientation for new staff.
8. Maintain and disseminate up-to-date resource information to the areas.
9. Identify regional HFC Program fiscal requirements.
10. Supervise the Advocate's preparation of Interagency Team referrals.
11. Assure the HFC Program's compliance with FIPA and FOIA regulations.
12. Assist the Advocate to develop area HFC workplans consistent with the regional and statewide goals.

B. SUPERVISION

1. Establish regularly scheduled individual supervision with each Advocate at least once a month.
2. Develop a written supervisory agreement with each Advocate.
3. Evaluate Advocate performance on an annual basis.
4. Provide staff development, training, support and facilitate individual participation in trainings and statewide forums.
5. Approve and monitor Advocate time schedules, travel, vacation, sick and personal leave requests.
6. Monitor Advocate workload including involvement in community, agency and interagency activities.

C. COORDINATION AND INTERGRATION

1. Represent the Office for Children and/or the HFC Program on interagency committees.
2. Report on the Regional HFC Program activities to the Regional Chairpersons and Human Service Administrators groups.
3. Meet regularly with Regional Community Development Coordinator and licensing staff to ensure communications between the HFC Unit and other area and regional staff.
4. Identify and share the goals and issues of the regional HFC Program with other Regions and appropriate Central Office staff and leadership groups.
5. Participate on the HFC data committee and assign a HFC staff person as regional representative. Each Regional Help for Children Program Manager shall be responsible for training, maintenance, coordination, monitoring and supervision of the data system for the area and region.
6. The Regional Help for Children Program Manager is responsible for report writing, interpretation,

and analysis of the data for the region, and for correcting errors.

D. PUBLIC EDUCATION

1. Develop brochures and booklets about the Regional Office for Children and HFC Program, with the assistance of the OFC Communication Officer and Central Office approval.
2. Distribute regional and area reports concerning children's issues and service needs identified through HFC data, staff activity reports and interagency group activities.
3. Monitor development of area HFC public information materials and activities.
4. Plan and/or participate in public forums, workshops, speaking engagements, video and radio presentations and panel discussions concerning children's issues, the Office for Children and HFC Program. All such activities must be cleared through Central Office.

E. ISSUE ADVOCACY

1. Use the HFC Data system to identify and document issues and gaps in children's services for the Regional Director, Central Advocacy Division, Councils for Children, public and private agencies.
2. Participate in interagency groups, tasks forces or committees to address children's issues, and promote resolution of policy or program development issues.
3. Assist central, regional, and area staff to develop OFC mechanisms to resolve issues.

III. AREA FUNCTIONS

The purpose of the area Help for Children Program is to deliver information/referral and advocacy services to children and families.

The primary functions of the area Help for Children Program are:

- o Child and Family Case Advocacy
- o Information and Referral
- o Program Administration
- o Supervision
- o Community Relations
- o Issue Advocacy
- o Coordination and Integration

A. CHILD AND FAMILY CASE ADVOCACY

1. Assist the caller to define the problem.
2. Clarify service request(s).
3. Assess the child or family's need(s).
4. Identify and document barriers to service.
5. Determine the appropriate intervention.
6. Develop a plan of action.
7. Expedite service provision and assure that the child's or family's needs are met.
8. If necessary, coordinate services for an individual child or family on a short term basis until an appropriate human service agency case manager is identified.
9. Refer cases to the Interagency Team when barriers to service delivery cannot be resolved on the area level.
10. Educate and assist clients and other professionals to become effective advocates.
11. Consult with HFC Manager before filing a 51A

B. INFORMATION AND REFERRAL

Provide information, referral and follow-up through identification of appropriate resources.

C. PROGRAM ADMINISTRATION

1. Develop and maintain comprehensive resource files.
2. Maintain accurate, well-documented and

confidential case records in accordance with Help for Children policy and procedures.

3. Develop and submit area reports on Help for Children activities, data, and reports to the Regional office.
4. Maintain records for all area expenditures of Individual Kid Money (IKM) in accordance with the Help for Children IKM standards and procedures.
5. Prepare Interagency Team referrals in accordance with Interagency Team Procedures.
6. Participate with OFC staff in managing the area office and coordinating office coverage. Conflicts are resolved by the Regional Office.
7. Identify area OFC office needs and make appropriate budget recommendations to the Regional Office.
8. May chair the area interagency team.

C. SUPERVISION

1. Monitor the daily HFC functions of the area secretary.
2. Participate with other area OFC staff in training and orienting the area secretary to the Help for Children Program.
3. May supervise interns or Help for Children volunteers.

D. COMMUNITY EDUCATION

1. Plan and/or participate in public forms, workshops, panel discussions, video and radio presentations concerning children's issues, the Office for Children and Help for Children. All such activities must be cleared through Regional Office.
2. Compile printed educational materials and work with other agencies to develop brochures and booklets concerning children's issues, services and entitlements.
3. Develop brochures and booklets concerning the Office for Children and Help for Children Program,

with the assistance of the OFC communications officer and with Central Office approval.

E. ISSUE ADVOCACY

1. Identify barriers to service common to groups of children by the collecting and documenting details of individual cases.
2. Utilize the Help for Children data system to document gaps in children's services to the Regional Director, Council, and other public and private agencies.
3. Develop area issue reports.
4. Obtain Regional Office approval to participate in interagency groups, task forces or committees designed to address children's issues.

F. COORDINATION AND INTERGRATION

1. Meet regularly with the Community Representative to ensure communication and to facilitate coordination of issue advocacy.
2. Provide monthly data and issue reports to the Council for Children and recommend resolutions to problems to the Councils.
3. Interpret area generated HFC data and issue reports.
4. Provide resource information to the Council and Council Committees.
5. Code and input accurate data information using appropriate forms and procedures according to the Alpha-Numeric system in the Help for Children Data Manual.
6. Comply with timelines for data submission.



CONFIDENTIALITY, PUBLIC AND PRIVATE RECORDS

The Help for Children staff shall comply with both the Massachusetts Fair Information Practices Act (M.G.L. c.66A) and its companion regulations (101 CMR 8.00), in safe-guarding the privacy interests of each client as follows:

In keeping with the applicable statutes and regulations, the OFC/HFC Program shall collect and maintain only those personal data which are reasonably necessary for the performance of its statutory functions.

The contents of each client's file are personal data. Therefore, no written information will be shared on a case without written permission of the client, parent, or guardian. HFC staff obtain general releases for the collection and sharing of written information necessary for case advocacy. (Appendix). A separate release is required for each advocacy request. A signed release of information shall be valid for six months. Representatives of the OFC will, with the permission of the client or his parent or guardian, verbally discuss the client's case with others. Ideally, permission is granted in writing. If permission is oral, the Advocate should note the date and nature of permission in the case file.

PROCEDURES

I. INFORMATION COLLECTION AND SHARING

A. Limitation of Collection:

The OFC will protect clients against the unreasonable invasion of their privacy by collecting only that information that is necessary for effective advocacy. The Office for Children Child Advocate shall inform each client or person acting on behalf of the client of the reasons for collecting information, the methods of collection, whether other agencies will be contacted and the conditions for release of information to the client, person acting on the client's behalf and third parties.

B. Methods of Collection:

1. When an information request is received, the Advocate may collect identifying information such as name, address, telephone number and the type of service requested. All information along with any other related information obtained during an information request shall be placed in an informational request folder and maintained in a secure setting.

2. When an Advocate receives unsolicited personal data concerning an individual who is not a client, the Advocate should contact the sender of such data at the earliest opportunity in order to determine whether to keep the data (if a case is to be opened soon) or return the data to the sender.
3. When a case is opened a case record shall be opened and maintained. Upon opening a case, the Advocate shall request that the client or client's parent or guardian sign a general release for Office for Children Advocacy (see paragraphs 4 and 5 below). If within thirty (30) days after the date the case is opened, a signed release has not been obtained, the service request will be presumed to be withdrawn and the case will be closed. During the thirty days from the date the case is opened, the Advocate can share identifying information with the persons who are directly or potentially involved with responding to the client's service request if the appropriate party has authorized the Advocate to share such information.
4. If a client/data subject is 18 years of age or older, he/she may give written consent for the release of information. If the client/data subject is younger than 14 years of age, written consent must be given by his parent, parents or guardian. If the client/data subject has attained the age of 14, but is not yet 18, written consent can be given by both the data subject and his parents, parent or guardian or by one of these individuals. (Note: Pursuant to 101 CMR 8.07(8), in any situation where in the reasonable judgment of the agency holding such data, the interests of a parent or guardian are substantially adverse to those of the client/data subject, the agency may deny exercise of any right or power to such parent or guardian and effectuate alternative means for safeguarding the exercise of such right and power for, or on behalf of, such child.)
5. A client's general release for Office for Children advocacy only allows the Office for Children to collect and share information about that person. Therefore, parents, siblings and other third parties excluding public employees, whose names appear as data subjects in documents the Advocate needs, may also have to sign releases before these documents can be obtained. If a child is in the custody of DSS, or DYS, it is still advisable to obtain the parent's consent, but the Advocate should also speak with the DSS or DYS worker in determining the appropriate person(s) who may give consent.

6. Release of Information Forms shall be standardized throughout the Help for Children program and shall also be available in the native language of the client, parent, or legal guardian and in Braille. If a case is referred to the Regional Interagency Children's Services Team, the Advocate should explain the process, and request that the Interagency Team Release of Information form be signed by the appropriate person(s).

C. Methods of Sharing

1. Sharing case materials to respond to the client's service request

a) The client's general release form will authorize the Advocate to share case materials in order to effectively respond to the service request. If the client wishes to limit or prohibit disclosure of particular case materials or to certain entities, he/she may indicate such limitations or prohibitions on the face of the general release form.

b) The Advocate should comply with a client's request to disseminate copies of any case material to a third person, if practicable, and upon payment of a fee of ten cents per page copied (if the total fee will be in excess of \$2.00).

2. Records Request

a) A client shall have access to his/her case record by making a written request to the Advocate or Office for Children's Fair Information Practices Act (FIPA) Officer. Before allowing such access or giving the client copies of the records requested, the Advocate shall make a copy of all records requested, black out any data relating to any specifically named third party, the disclosure of which may constitute an unwarranted invasion of privacy and send the redacted copies to the FIPA officer for his/her approval.

(i) The client can be denied access to information which is currently the subject of an investigation and the disclosure of which would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. Such information may be withheld for the time it takes for the holder of the data to complete its investigation and commence an administrative or judicial proceeding on its basis, or one year from the commencement of the investigation or whichever occurs first.

b) No access to case materials may be granted to any other individual or entity unless such access is authorized by statute or regulations, or is approved by the client and the client is entitled to access.

(i) Where the client has authorized such access, the individual must forward a written request for the information, along with the client's written consent, to the Advocate. The Advocate will then follow the procedures set forth in s.2(a) above.

c) If an Advocate or client's case record is subpoenaed the Advocate shall immediately contact counsel for OFC and the FIPA officer. If a client's case record contains records of a medical, psychological, or psychiatric nature, such records shall not be released to the client or any other person. Rather, the Advocate shall make an inventory of all such records. That inventory shall identify the record's title, if any, or a brief description, the date, if any, the author's name, if any, the address, and telephone number of the author. This inventory will be sent to the FIPA officer, then to the person requesting the information.

d) In the case of data held in automated personal data systems, and to the extent feasible with data held in manual personal data systems, the Advocate shall maintain a complete and accurate record of every access to and every use of any personal data by persons or organizations outside of or other than the holder of the data, including the identity of all such persons and organizations which have gained access to the personal data and their intended use of such data. The Advocate need not record any such access of other OFC employees acting within their official duties. To the extent that such material is maintained pursuant to this section, the Advocate shall make available to a data subject, upon his request, in a form comprehensible to him, a list of the uses made of his personal data, including the identity of all persons and organizations which have gained access to the data.

e) The Advocate shall make sure that a copy of all correspondence regarding records requests for a particular case record are sent to the FIPA officer, maintaining one copy for his/her file.

II. Maintenance of Records

A. All Help for Children case files, records, logs and index cards shall be maintained and protected from physical damage or unauthorized access or removal. Reasonable steps shall be taken by each area office to secure such personal data in a locked area.

B. All case records shall remain in the Advocate's Office. A copy of the case record or documents in the case record may be taken out of the Advocate's office for meetings. Such copies shall be returned to the file or destroyed by being thoroughly torn up.

C. Case record notes are the property of the Office for Children and not of the Advocate. Such notes will be redacted, then made available as part of the case record when such record is shared as a result of an information request.

III. Trainings

A. All Advocates, within five (5) business days of their employment with the Office for Children, shall receive a copy of 101 CMR 8.00 et seq. They are responsible for reading, understanding and implementing the instructions and principles contained therein.

B. The Regional Help for Children Manager shall be responsible for providing initial training and assistance to new advocates on 101 CMR 8.00 et seq.

C. The FIFA Officer shall be responsible for providing on-going training.

IV. Destruction of Records

All records shall be stored and destroyed in accordance with the Advocacy's Division's, Help for Children RCB-1 destruction schedule. No original record or copy can be destroyed until approved by the Records Conservation Board, and OFC Records Conservation Officer.

INFORMATION, REFERRAL, AND ADVOCACY SERVICES

POLICY

Advocacy services shall be provided in a timely manner, be appropriate to the need(s) of the individual(s) served, and protective of their right to confidentiality.

Advocacy services are available between 8:45 a.m. and 5:00 p.m. and are provided regardless of income level.

PROCEDURES

I. INITIAL CONTACT

Whenever HFC is contacted for assistance the Secretary or Advocate will take the following steps:

- Determine the callers identity. (Services are provided to anonymous callers.)
- Assist the caller clarify what she/he needs.
- Determine whether the caller's request is appropriate for Help for Children and is best served by information, referral or advocacy services.
- Direct the person to the appropriate Office for Children employee.

II. AREA ASSIGNMENT

A case is assigned to the area office which best meets the needs of the child and ensures maximum feasible participation of the guardian.

Generally, the child and the parent/guardian will reside in the same community. When the parent/guardian resides in one area and the child is temporarily placed in another area in order to be provided with needed services (i.e. residential treatment or respite), case advocacy responsibility belongs to the area where the parent/guardian resides.

Rarely, the child will call seeking services independently of the parent/guardian.

If for any reason appropriate assignment is unclear, the Advocate will consult the Regional Help For Children Program Manager to determine in which area the service request should be opened. If there is disagreement between regions, the Central Help For Children Program Manager will determine the appropriate area.

When the parent/guardian resides in a community other than that served by the area office, the caller will be referred to the appropriate area office. Staff will provide the name of the advocate, and the address and telephone number of the office.

III. CASE TRANSFER

Case transfer is the re-assignment of a case from one area to another. Case transfer should ensure maximum feasible continuity of service to the child. A decision to transfer a case occurs after the Child Advocate Coordinator and the Help For Children Program Manager have determined that the transfer will be in the best interest of the child.

PROCEDURES

A. DECISION TO TRANSFER

Determination of case transfer will include an assessment of area of meaningful tie, transfer policy of other agencies involved, responsible LEA, case status including appeal process and Interagency Team involvement.

1. If the Advocate determines that transfer of the case is in the best interest of the child, the Advocate shall consult with the Regional Help for Children Manager. Conditions which trigger a need to transfer might be: when a parent or guardian moves out of the area, or if child is placed in a foster home outside of the area and it becomes apparent that a request for services might require a knowledge of services in that area.

When the Advocate and Regional Help For Children Manager agree that transfer should occur, the Child Advocate will discuss the proposed action with the parent or guardian. If the parent or guardian agrees, the Regional Help For Children Manager will notify the Help for Children Manager in the receiving region.

2. If the parent/guardian does not agree to the transfer, the Advocate will communicate with the Program Manager who will decide whether to close or continue the case.
 - a) If the Supervisor determines that the case will be closed, the Advocate will notify the guardian and close the case.
 - b) If the Supervisor determines that the case will be kept open, the Advocate will notify the guardian and note the decision of the Supervisor in the case record.

B. PREPARATION OF A CASE FOR TRANSFER

The Advocate will:

1. Give the guardian the name of the new advocate, and the address and telephone number of the new office.
2. Alert the receiving Advocate by telephone of the transfer, provide the names of the child and guardian, the service request, a synopsis of the case, and whether the case has been referred to the Interagency Team.
3. Write a case summary. The case summary will include a history of the case and recommendations for follow-up.
4. Retain a copy of the case summary in the original file. Forward copies of case information and the case summary to the new Advocate, record the date material is sent to the new area in the case file and record the date of notification into the case file.
5. Notify the client that the case has been transferred.

C. RECEIPT OF TRANSFERRED CASE

1. The new advocate will notify the former Advocate that the case materials have been received, discuss the case information and decide what course of action is appropriate.
2. The new advocate will follow procedures for case advocacy.

IV. INFORMATION AND REFERRAL

Information and Referral services are provided to any individual or family requiring assistance. Information is current, accurate and provided in a manner which will assist early resolution of the individual's or family's need.

A. INFORMATION SERVICE

PROCEDURES

The Advocate shall:

- Provide answers about services, programs, facilities, or eligibility for services.
- Explain the process for obtaining the service.
- If the information is not readily available, seek the information by contacting or researching available sources.
- Encourage the client to call back if more information is needed.
- Record the information request as a simple or complex information request on the appropriate data form.

If a request cannot be satisfied by providing information only, then referral or advocacy service may be required.

B. REFERRAL

Referral to children or family services occurs when assistance beyond providing information is necessary. The Advocate serves as liaison between the client and potential resources, ensuring that the client receives appropriate services in a timely manner.

PROCEDURES

The Advocate shall:

- Identify the resource and make initial contact with the service provider.

- Inform the client of the results of intervention and refer the client to the service provider.
- Encourage the client to make further contact with HFC if additional assistance is needed.
- Enter the request into the Help for Children data system.

V. CASE ADVOCACY

POLICY

Case records shall be accurate, non-judgemental, objective, and comply with all FIPA regulations. (Chapter) A client's name shall not be visible from the outside of a case record.

A. CASE RECORDS

The Advocate opens a case record for each service request. The Advocate assigns a case identification # for each case record and ensures that the number appears on all case documents and forms. All Advocate case specific activity is recorded on standardized case record forms. (Appendix) The Advocate files cases in numerical sequences. Nevertheless, the Advocate may separate active cases from closed cases.

The Case record system includes:

1. Locked File Cabinet
2. Individual case records in numerical order
3. Alphabetical Index Card File
4. Daily Intake Log
5. Standardized Case Record Forms (Appendix #)

- Intake Face Sheet
- Child\Family Profile Sheet
- Documentation of verbal permission to release information
- Signed Release of Information Form (all cases open over 30 days)
- Assessment Sheet
- Case Review Sheet (All case open over 60 days)
- Case Note Sheet
- Data Intake form
- Data Update\Change\Correction form
- Audit Trail

The Advocate:

1. Completes the Intake Face sheet during the initial interview with the client or the client's representative. The following information is noted on the Child/Family Profile Sheet:
 - Impairment (documented by whom/date)
 - custody status of child, protective status, court involvement
 - residence
 - LEA and name of school
 - current educational setting
 - educational prototype.
2. Obtains a signed release of information form appropriate to the service request(s). (See section on confidentiality, and Appendix #.) The date the release form is mailed, received back, and placed into case file is recorded on the Intake Face Sheet.
3. Informs client of their rights to confidentiality and agency services, and encourages the client to advocate on his/her own behalf.
4. Selects appropriate documents and professional contacts. Documents may include:
 - a. Evaluations, school records, or individual Educational Plans.
 - b. Previously contacted Resources and/or agencies by the parent/child/representative.
 - c. Client identification of other alternative resources.
 - d. Child or family entitlements (i.e. special education, S. S. I., etc.)
5. Records how each document will be obtained and/or who will obtain it.
6. Obtains any documents and make collateral contacts necessary to evaluate the service request.
7. Summarizes all discussions, on the Case Note Sheet identifying the name of the person and the date of the discussion.

C. ASSESSMENT

Once all information is collected and appropriate professionals have been consulted, the Advocate assesses the:

1. parent/child/representative request
2. service need(s) of child or family
3. responsible agency(ies)
4. appropriate intervention action(s)
5. barrier(s) to that service

A summary of the presenting problem and any barriers to service are recorded on the Assessment Sheet.

D. PLAN OF ACTION

The ultimate goal is to provide services to the client in a timely manner. The Advocate will draft a proposed plan of action and discuss it with the parent/child/representative.

1. The plan of action includes: a goal; action or activities proposed to meet that goal; identification of the person or persons who will carry out the activities; and a time-frame in which short/or long term goals will be met or re-assessed. An action plan is tailored to the needs of the client and may require Advocate to take any of the following actions:
 - Negotiate with an agency and/or the client.
 - Mediate between the client and agency.
 - Serve as a liaison between agencies to promote coordination of services to the client.
 - Organize an interagency case conference in which the client participates.
 - Request the expenditure of Individual Kid Money (IKM).
 - Provide interim case management until the appropriate agency is identified and assumes responsibility.

- Advise client that he/she may choose to consult an attorney or proceed with or without the Advocate's assistance.
 - Assist client to initiate and prepare an appeal of service denial: educate the client about appeals procedures and relevant regulations; gather necessary documentation and witnesses.
2. If the parent/child/representative and Advocate are unable to agree on a plan of action, the Advocate will inform the client of any options available. The Advocate will consult with the HFC Program Manager as to what action will be followed. The Advocate will record the outcome of the discussion with the parent/child/representative and the HFC Program Manager in the case record.
 3. All open cases should be closely monitored and assessed to ensure that the activities and responsibilities of each party are completed. The Advocate may consider referral to the Regional Interagency team at any time. Nevertheless, a case must be referred to the Regional HFC Manager within one week of the Advocate's determination that the client's need cannot be met at the area level.

VI. SIXTY (60) DAY REVIEW PROCESS

Each service request open over 60 days is identified by the monthly report issued by the Systems Unit and is reviewed by the HFC Program Manager and the Advocate to determine whether referral to Regional Interagency Team is appropriate.

- A. The Advocate shall prepare a brief case narrative and assessment of the plan of action. The Advocate will advise the Help for Children Program Manager of the reasons why the plan of action ought to proceed as planned or be amended.
- B. The Regional Help for Children Program Manager and the Advocate will determine if:
 - Additional case documentation is needed.
 - A case conference should be held.
 - A Regional Team member(s) should be consulted

to seek resolution without presentation of the case to the Team.

- C. The Help For Children Program Manager records the date of the review in the case record, indicating the action to be taken.

FOR EXAMPLE: Advocate is awaiting additional documentation on case.
(Individual service plan, assessments, reports.);

A meeting, mediation, appeal hearing or evaluation will be or has been scheduled;

A case conference will or has been scheduled at the area level.

VII. FOLLOW-UP AND CASE CLOSURE

After implementing the plan of action, the Child Advocate Coordinator shall close the case if:

- A. Follow-up by phone or letter indicates that service was provided; or

The service request was withdrawn.

- B. Prior to closing a case that has been resolved by the Interagency Team, the Advocate will monitor the case for at least thirty (30) days to ensure that services are provided.

Record the follow-up activity date and reason for closing in the case on the Face Sheet and the Case Activity Forms.

VIII. INTERAGENCY TEAM

The Interagency Team determines "which agency shall provide or contract for appropriate services to a child in cases where disputes arise among agencies over the delivery of services to a child or when such services are not being provided to a child." (M.G.L. Chapter 28A, Section 6A) Cases appropriate for Team are those that cannot be resolved at the local level because of the inability or unwillingness of an agency to accept responsibility for a particular case. Such cases are referred to the Team through the area Help for Children Program after the Advocate exhausts all potential resources and avenues for resolution, cases are referred to the Regional HFC Manager. The HFC Manager reviews the case or case narrative and sends the case to the Team. The Advocate is the liaison between the Interagency Team, client, and local providers.

Procedures and timelines are described in the March, 1984 INTERAGENCY TEAM PROCEDURES. (Appendix)

PROCEDURES

Cases reviewed for Interagency Team referral can be identified during the internal review of open cases or are referral by sources outside the Office For Children.

The Advocate or Program Manager may consult with other team members to seek a resolution without presentation to team.

A. REFERRAL TO REGIONAL INTERAGENCY TEAM

1. Upon receiving a request to refer a case to the Regional Interagency Team, the Advocate shall explain to the child, parent, child/representative:
 - a) The Interagency Team purpose and process.
 - b) The role of the Advocate:
 - to document the child's need for service(s),
 - to document that the need cannot be met at the area level,

- to consult with the Regional Help For Children Program Manager to determine whether the case will be presented to Team,
 - to gather evidence, documentation and identify appropriate participants,
 - to prepare and present the case history and service request to the Team.
 - to provide the client with written notification whether or not the case will be presented to the Interagency Team.
- c) That the client may request a review of any decision not to present the case to Team.
- d) The Advocate will obtain written permission from the parent or legal guardian, child over 18 years old, or agency with legal custody.
(Appendix)
2. Within seven days of the determination that a case will not be referred to the Regional Team, the Advocate will notify the referring party and the parent/child/representative in writing of the decision. The notification will include an explanation that the client may request the Regional Director to review the decision. The client must request review within fourteen (14) days of the notification date that the case will not be referred to Team. The Regional Director's decision is final.
 3. The Advocate will provide written notification to parent/child/representative and appropriate agencies including the LEA that the case is to be presented to the Team and of their right to present testimony and evidence. Notification must be sent at least one week prior to the presentation date.
 4. The Advocate notes the date of the referral to the Regional Team in the case record. The Regional HFC Program Manager's decision and any subsequent case action is also noted in the case record.

If the case is referred to the Regional Team, the case record must contain the following

information:

- a. referral date
 - b. copy of appropriate forms/notices/correspondence
 - c. copy of materials presented to Team members with Advocate's case summary
4. Interagency Children's Team decision's actions minutes, and relevant information.

B. PREPARATION OF CASES FOR REGIONAL TEAM

- 1. The Advocate will complete the Team Checklist. (Appendix)
- 2. The Advocate will obtain copies of all missing relevant evidence or documentation.
- 3. The Advocate will identify who will present information to the team, and contact those persons to secure their attendance.

C. PRESENTATION OF CASE TO REGIONAL TEAM

The Regional Help For Children Program Manager or the Team Manager will schedule the presentation. The HFC Manager will schedule the case for the Interagency Team within one week or call a special meeting if delay will result in significant risk to the safety of the child. The Advocate will present the case to the Interagency Team. The presentation shall consist of the following:

- 1. REFERRAL STATEMENT: A clear, concise description of short and long term service needs and the barriers that led to the referral to the Team.
- 2. CHILD & FAMILY INFORMATION: A succinct description of the child including age, sex, sex and age of siblings, and significant facts, such as divorce or alternative living situation.
- 3. SERVICE HISTORY: A chronological listing of the service history.
 - History preceeding Help for Children intake.
 - Reasons for breaks in service.

- Current services to child.
- Significant differences of opinion between agencies, service providers, parents, and clinicians.
- From Help for Children perspective, description of present events listing important meetings and case conferences, who attended, and resulting conclusions. If no consensus was achieved, explain why.

D. ESCALATION TO CENTRAL TEAM

As soon as the Regional Team determines that the case cannot be resolved at the regional level, the Regional Team will notify the Central Team Manager and discuss the most effective way to proceed. Cases are prepared for presentation to Central Interagency Team in accordance with 300.0 of the March, 1984 Interagency Team procedures. The following materials are required:

- The packet the Advocate prepared for the Regional Team.
- A summary of Regional Team action(s), minutes, notes & decision(s).
- Regional Team Implementation Plan.
- The Sign-off form(s) from designated agency(ies).
- Additional reports, evaluations requested or completed.
- Advocate's Case narrative. (Optional)

E. PROCESS FOR ESCALATION BEYOND CENTRAL TEAM

The Chairperson of the Central Interagency Team notifies the Director of the Office for Children when an agency has failed to provide services to a child in a manner consistent with the decision of the Central Interagency Team.

The Director will contact the Commissioner of the agency which has failed to provide the appropriate service within one week. The Commissioner of the designated agency must respond within 2 weeks. Cases

are referred to the Executive Office of Human Services within two weeks of the date on which the designated agency is notified. When it is necessary for a case to be referred to the Executive Office of Human Services, the Central Team Manager will prepare the case for escalation. The Central Team Manager provides a written narrative describing the Central Team decision and why the designated agency has jurisdiction.

INDIVIDUAL KID MONEY (IKM)

POLICY

IKM is last resort funding of social, educational, rehabilitative or legal services, transportation, or goods to support or improve the well being of a child or family.

IKM is available from the HFC advocate, with the approval of the Regional Director or the Director's designee.

Each Region shall develop a Regional IKM policy which incorporates the statewide policies and procedures for IKM. Detailed procedures for IKM are described in the IKM Manual.*

Central Office Responsibilities

Central HFC annually consults with the Regional HFC Program Manager to recommend to the Rate Setting Commission the maximum rates of service and service categories for IKM.

Central Help for Children shall:

- develop a statewide IKM Contact for Services (Blanket) to be submitted to the Rate Setting Commission and the Office of Administration and Finance for approval.
- disseminate the approved blanket to Regional Directors, Regional Help for Children Program Managers and Child Advocate Coordinators.
- update and disseminate Rate Setting regulations and rates to Regional and Area office.
- compile a monthly statewide IKM report.
- review and sign-off on all Regional IKM Policies.

*Refers to current IKM manual. The revised IKM Manual will be completed and distributed by fiscal year 1989.

Regional Responsibilities

I. Regional Director

The Regional Director retains full responsibility for the approval and fiscal management of Regional IKM funds, but may delegate particular tasks to other program staff. The Regional Director is responsible for monitoring the fiscal and programmatic aspects of IKM and to analyze area and regional trends in the use of IKM.

A. Regional Policy Development

The Regional Director will develop a written policy for Individual Kid Money with the assistance of the Regional Help for Children Program Manager. The Central HFC Program Manager will review and sign off all Regional IKM Policies.

1. The Regional Manager will review annually and revise the regional policy as needed.
2. All Regional IKM Policies will be reviewed and signed-off on by the Central Help for Children Program Manager.
3. The Regional Policy will include:
 - a) A statement of how IKM will be maintained by the Region, whether as a regional pool or through area allotments
 - b) A statement of how funding decisions shall be made
 - By the Regional Director
 - By the HFC Program Manager the Advocate's assistance.
 - By the Advocate
 - c) Identification of maximum amounts which may be approved by:
 - the Regional Program Manager, or
 - Area Advocate, or

- Central Help for Children, or
- Director of Advocacy

- d) Directions for obtaining emergency approval from the Statewide Program Manager of the Director of Advocacy of IKM request in the absence of the Regional Director and HFC Program Manager are absent.
- e) Designation of who signs Contracts, Letters of Intent to Pay, or invoices during the Regional Director's absence.

B. Approving and Monitoring IKM Expenditures

1. The Regional Director ensures that the IKM purchases are computed according to OFC Policy and Rate Setting commission requirements, and that:
 - a) Social services are contracted in accordance with IKM Manual
 - b) 03 legal services are contracted
 - c) All purchase of goods are issued a Letter of Intent to Pay and will not exceed \$300.00.
 - d) All logs and ledgers are maintained and reflect current balances for committed, incurred and expended funds.
2. The Regional Director will submit to Central HFC an IKM monthly report by service categories.
3. The Regional Director has sole authority to sign Letters of Intent, contracts and invoices, except as outlined in the Regional policy during his/her absence.
4. The Regional Director has sole authority to approve alterations of any contracts or Letters of Intent to Pay, in circumstances where Vendor cost has been changed by the Vendor prior to signing and returning standard invoices.
5. Regional Director will continue to include on the Monthly Spending Report to the fiscal office 03 and 07 information.

C. Emergency Situations Requiring Immediate Payment:

The Regional Director may determine that the only available way to resolve the emergency situation is to have the Central Office issue a check. The Regional Director and designee must contact the Fiscal Director to request a check.

When the Fiscal Director commits funding, the Regional Director instructs the Office Manager to complete a Request for Advance and a Standard Invoice Form.

II. Help For Children Program Manager

- A. The HFC Program Manager shall ensure that the Advocates know and adhere to IKM Policy and Procedures, the Regional policy and current rates.
- B. The HFC Program Manager shall ensure that the Advocate gathers and appropriately assesses all facts necessary for the HFC Program Manager to decide whether or not to fund an IKM request.
- C. The HFC Program Manager will:
 - 1. Evaluate all IKM requests to see that IKM procedures have been followed.
 - 2. Evaluate whether the IKM request is appropriate.
 - 3. Ensure that the Advocate is aware of all current public and private fiscal and social service resources and regulations.
 - 4. Ensure that all costs fall within current IKM rates.
 - 5. Discuss the appropriate course of action to be followed by the advocate to ensure continuity of service by appropriate agency or agencies.
 - 6. Tell the Advocate that the request has either been approved or not approved.
- D. The Regional HFC Program Manager is responsible for facilitating the processing of IKM for payment at the Regional Office and for monitoring fiscal records of the committed IKM funds. The HFC Program Manager will:
 - 1. Check that IKM request forms are sent by the Advocate and received in a timely manner by the Regional Office.

2. Ensure that all request forms are complete and accurate and that the following information is clear:
 - a) vendor and client information is complete
 - b) contracted or non-contracted service
 - c) the service or good type description
 - d) the Rate Setting regulation and Rate Filing Number
 - e) the dates of service are given
 - f) reason for the service
3. Ensure all special circumstances regarding service provision are known by Regional Director prior to final approval.
4. Complete section of IKM Monthly Report for committed funds.
5. Maintain a log of all approved IKM expenditures by service category including:
 - a) date of request
 - b) case number
 - c) client's name
 - d) vendor
 - e) actual cost of service
 - f) date form received from area
 - g) current total of committed funds
 - h) current balance of funds available

III. Office Manager

- A. Monitor the IKM process from time of issuing contracts, and Letters of Intent to Pay until payment is received by the Vendor.
- B. Process all Individual Kid Money contracts, Letters of

Intent to Pay and invoices in a timely manner as defined by the IKM Manual.

- C. Maintain an IKM activity log and ledger of incurred cost, expenditures by service category and current balances.
- D. Ensure that all vendors have a Vendor Code number prior to processing invoices.
- E. Maintain a file system for all IKM requests, contracts, Letters of Intent to Pay, processed bills and Vendor code numbers.
- F. The Regional HFC Program Manager will monitor Advocate tracking of service delivery to ensure its timely and agreed upon method of delivery.
- G. The Regional Director may assign additional responsibilities to the HFC Program Manager according to the written Regional IKM Policy.
- H. When Vendor is unwilling to accept the state billing process, discuss the request with the Regional Director to determine if any alternative payment process may be used and what that process shall be.
- I. Complete the incurred and expended funds sections of the IKM monthly report.

IV. Area Responsibilities

- A. The Advocate is responsible for screening requests for IKM. The Advocate will determine if the funding request is appropriate for HFC and identify other funding sources contacted by the caller.
 - 1. A request is appropriate when the service is:
 - a) For a child or family.
 - b) Needed and appropriate.
 - c) Not available from another source.
 - d) Meets OFC IKM policy and standards.
 - e) For a social, educational, or rehabilitative service, legal services or a good.
 - 2. An IKM request is not appropriate if it:
 - (a) Does not meet IKM standard.
 - (b) Is an entitlement available to client from a state agency. (The Advocate will aid in pursuing entitlement if client so wishes.)

(c) Is available via another resource. (The Advocate will make referral to appropriate resource.)

B. If the IKM request is appropriate, the Area Advocate will:

1. Identify all appropriate resources and any need for additional action or necessary long term assistance for client.
2. Determine if cost sharing funds are available from client or other source towards final cost.
3. Assess client's ability to pursue available resources and, if appropriate, refer the client.
4. Pursue all identified appropriate resources if the client is unable to do so.
5. Determine necessary action to be followed to ensure service need is met. (Identification of responsible agency should service continuation be necessary, and course of action to be pursued to assure responsible course of action, to assure responsible agency provides service on a long term basis.)
6. Determine potential provider; rate of service; and total cost of service or good.

C. After documenting that all other sources of assistance have been exhausted, the Advocate shall contact the HFC Program Manager to discuss need for service; lack of resources; and information on other resources known by the HFC Manager and recommendation for funding of request.

D. Upon approval of IKM funding, the Advocate may issue a letter to the Vendor stating terms of agreement and that bill payment and processing will occur through the Regional Office. A copy of the IKM utilization form and letter to vendor should be kept in the case record.

E. Upon approval of a request to fund a service, the Advocate completes the IKM utilization form (Appendix) and submit it to the Regional Office according to the timeliness established in the Regional IKM Policy. (See IKM manual for instructions for completion of IKM utilization form).

- F. Maintain an area log of all approved IKM requests recording, case #, client information, dates, service request and amount of IKM expended.
- G. IKM requests will be recorded on the HFC data system.
 - 1. A case record will be opened according to Help for Children Policy & Procedures on all approved IKM requests.
 - 2. If an IKM request is not appropriate and the Advocate was able to resolve the request by providing information to the caller, the request should be documented on the information tally sheet.
- H. The Advocate will monitor service delivery to assure that full service was provided in the agreed upon manner.
 - 1. The Advocate will notify the Office Manager of the status of service delivery:
 - a) service has been delivered as agreed
 - b) service has been terminated early
 - c) service has been cancelled
 - d) there are problems with service delivery
 - 2. The Advocate will keep the case record open until all services and follow up activity have been completed.
- I. If a request for an extension of service is received by the Advocate or the Advocate determines an extension is required, the Advocate shall again complete steps B through H.

RESOURCE INFORMATION ORGANIZATION

Each central, regional and area HFC office shall have a system to maintain organized, accurate, and up-to-date information regarding children's services. The development of a resource information system involves the combination of staff knowledge and community information into an organized system that provides the Office, Councils, and the community with a source to which they can turn for information regarding children's services.

POLICY

Information pertinent to children and families includes, but is not limited to, community resources, legislation, regulations and eligibility criteria governing human and educational services, regional and statewide programs, children's rights information, current children's issues, and information on handicap issues.

Information is constantly gathered and updated.

Office resource files are maintained and organized in a systematic manner, categorized, and alphabetized, and cross-referenced. All Help for Children resource files will include copies of the Office for Children legislation (M.G.L. c28A), Help for Children Policies and Procedures, Day Care, Substitute Care and Family Day Care regulations, a listing of all OFC area and regional offices, and all other resource materials suitable for the community's needs.

All public information is provided to anyone requesting it, subject to reasonable fees for duplication. Information may be disseminated over the telephone, through the mail, person-to-person, and with the HFC Manager's approval, through public presentations.

PROCEDURES

Central Help for Children Responsibilities

Central Help for Children provides the Regional Help for Children Program Manager with copies of new and revised regulations, directories of statewide programs, federal and state legislation, and policies and legal decisions affecting children's services statewide.

Central Help for Children maintains a resource system which includes but is not limited to all material required by Regional Help for Children Programs as well as information on children's disabilities, issues, statewide programs listings, and resource directories.

Regional Help for Children Responsibilities

The Regional Help for Children Program Manager disseminates current regional and statewide information to the areas.

The Regional Help for Children Program Manager maintains a regional resource system which includes regional program and service information in addition to legislation, regulations, eligibility criteria and program descriptions pertaining to:

- Bureau of Transitional Planning
- Department of Corrections
- Department of Education
 - special education
 - bilingual education
 - access to records
 - student rights
 - vocational education
 - gifted and talented
- Department of Public Welfare
- Department of Mental Health
- Department of Mental Retardation
- Department of Public Health
- Department of Public Utilities
- Department of Social Services
- Department of Youth Services
- Mass. Commission for the Blind
- Mass. Commission for the Deaf and Hard of Hearing
- Mass. Rehabilitation/Commission
- Veterans' Administration

The regional resource system contains information about how clients can gain access to entitlements such as SSI, food stamps, AFDC or General Relief benefits; handbooks on tenants rights and access to housing; federal legislation relating to special education and handicapped (P.L. 94-142, 504); lists of 766 approved private schools; lists of residential placements for

children; information on disabilities.

Area Help for Children Program Responsibilities

The Child Advocate Coordinator develops and maintains an area resource system.

Each area Help for Children program maintains copies of resource materials distributed by the regional and central Help for Children programs, area service and program descriptions along with current legislation, eligibility criteria, regulations and programs descriptions pertaining to:

Bureau of Transitional Planning

The Department of Education:

- special education
- bilingual education
- access to records
- student rights
- vocational education

Department of Public Welfare

Department of Mental Health

Department of Mental Retardation

Department of Public Health

Department of Social Services

Department of Youth Services

Mass. Commission for the Blind;

Mass. Commission for the Deaf and Hard of Hearing

Mass. Rehabilitation Commission

Veteran's Administration

The area resource system contains information describing how clients can gain access to entitlements such as SSI, food stamps, AFDC or General Relief benefits; handbooks on tenants rights and access to housing; federal legislation relating to special education and handicapped (P.L. 94-142, 504); lists of 766 approved private schools; lists of residential placements for children; information on disabilities.

Area resource files also include current information on area specific programs such as:

- counseling agencies
- special education programs
- local DSS, DMR, and DMH programs
- early intervention programs
- legal services
- foundations and charitable organizations.

Other resource information is obtained from a variety of sources such as providers, journals, magazines, newspapers, agency bulletins or reports, regulations from local, state and federal agencies.

HFC staff (HFC Program Manager, Child Advocate Coordinator) reviews material, shares appropriate material with other staff, and files it in an organized manner.

The area HFC office may use any organization system as long as information is readily accessible to HFC staff. HFC encourages use of card files, telephone files, cross references, lists, cardex, rolodexes and/or labels.

Updating Resource Files and Information

1. The Area Office Staff continually reviews and updates the Resource File. In addition, a thorough review and update of the Resource File is to be completed annually.
2. The Regional HFC Program Manager continually provides current information pertinent to the region.
3. The Central HFC Program provide current information on policies and regulations as changes occur.

Outdated resources may become current as area staff requests new or additional information by telephone or in writing. Review of individual files as information reaches the attention of the area Help for Children staff, and incorporating general resource information obtained through individual casework into the Office Resource File will keep the information current and useful.

Some methods of updating could include requesting new or additional information by telephone or in writing; reviewing each individual file as information reaches the attention of the area Help for Children staff; maintaining a list or card file of resource information and dates information received (this could be an overall list of all data maintained in the resource file as well as subject/category, specific lists); and incorporating general resource information obtained through individual casework into the Office Resource File.

REPORTS

The Help for Children program produces reports as a tool to research and analyze raw data to identify gaps in services, isolated, low incidence and emerging populations, as well as barriers to the provision of services and target groups for outreach. The reports document case activity, Help for Children involvement with Council for Children, and community activities. The reports are used for community education and encourage positive systemic changes and political initiative. Current, factual documentation enhances administrative and programmatic accountability.

Reports are subject to Records Request Chapter, FIPA and FOIA guidelines.

POLICY

Central Help for Children is responsible to annually notify Area and Regional HFC staff as policy and report deadlines. Area, Regional and Central levels are each responsible for monthly and annual reports.

PROCEDURES

I. AREA REPORTS

A. Monthly Reports

The Activities Report lists the number and type of meetings attended by the Advocate. The Advocate refers to itinerary sheets, calendars, and case records to obtain an accurate tally. Types of meetings to be included are:

- Case Related Meetings (case conferences; 766 CORES, mediations, and appeals; other appeals such as SSI, DSS, DFW, MRC, MCB, DMH, and area interagency conferences.)
- Internal Job Related Activities (Unit Meetings, Regional Staff Meetings, State-wide Meetings, Trainings, Council Board and Committee Meetings, Supervisory Meetings).
- Community Outreach, Education, and Coordination

Meetings (Agency Board Meetings, Task Force Meetings, Special Efforts and Projects, Interagency Coordination Efforts.)

The Narrative Report includes documentation of significant trends, issues or barriers and recommendations for action. The Advocate will study cases logged in for the current month, using Case Intake Codesheets as a guide, and review past month's data to help in identifying the following:

- Trends: Indicate any emerging pattern in types of service requested or procedural change that affects clients. Refer to general and specific service requests, child descriptors, barriers, area use of IKM to assist in identifying trends.
- Issues/Barriers: Describe any outstanding problem areas encountered by the HFC Program and/or any significant or recurring barriers that prevent children from receiving needed services, including, if appropriate, actual case numbers for documentation. Refer to general and specific service request, agencies responsible for service and barriers to resolution. Consider the difficulty of resolution at the area level and any input from other service providers that may help to substantiate the significance or recurrence of the problem.
- Recommendations for Action: Examine possible strategies for resolution of problems identified through information gathering and consultation with your HFC Supervisor, other advocates, agency providers, and/or Council. Indicate any recommendations for action, both short and long term that may be taken by OFC, Councils for Children, Help for Children Committees or Community Task Forces.

B. Annual Report

The Annual narrative report identifies any trends, issues or barriers that presented significant difficulty for case resolution, and recommendation for action. The Advocate should refer to the past 12 monthly reports, data reports, Interagency Team cases and IKM Expenditures. Additionally, the annual report contains the following information:

- Issues/Progress and Resolution: Indicate developments which have occurred during the course of the year toward the resolution of identified issues. For those issues that are still unresolved, indicate what steps have been taken, or are being planned, toward resolution.
- Programmatic Initiatives and Development: Indicate status of initiatives and accomplishments of the Help for Children Program. Reporting should include, but not be limited to HFC Program Work Plan implementation, and HFC issues addressed by Council.

C. Additional Reports

Upon request of Central or Regional HFC, the advocate will provide additional reports to assist Central or Regional in documenting particular service need or issue.

D. Distribution

Area HFC Reports are submitted to the Regional HFC Program Manager and distributed to the Area Council for Children, Area Community Representative and others upon request.

II. REGIONAL REPORTS

A. Monthly Reports

The Help for Children Program Manager will complete the "Committed This Month" section of the monthly IKM report and forwards it to the Office Manager. The Office Manager completes the report and forwards it to the Regional Director. The Regional Director reviews the report and delivers it to the Central Office by the 10th day of the month.

In addition, the Supervisor will compile the area HFC monthly activities reports and create one regional summary for the Central HFC Unit.

B. Annual Report

C. Additional Reports

Upon request of Central HFC, the Regional Supervisor will provide the additional reports to assist Central OFC document and present particular service needs or issue.

Regional HFC reports will be submitted to the Regional Director and distributed to the Central HFC Program Manager, the Director of Advocacy, and others as deemed appropriate.

III. CENTRAL REPORTS

A. Monthly Reports

The HFC Program Manager is responsible for developing with the Systems Unit monthly data reports. In addition, the HFC Program Manager will develop monthly case intake and activity reports and distribute them to the field. The HFC Program Manager compiles Monthly IKM reports submitted by the Regional HFC Supervisors and creates a monthly statewide IKM report. The Fiscal Unit will work with the Central HFC Unit to develop and distribute this report.

Once the monthly activities reports are received from the Help for Children Supervisors, the Central Office will compile a statewide summary. The summary data reports will provide an overview of statewide HFC Program activity.

B. Annual Report

The Help for Children Program Manager will complete an annual report. Data reports, Interagency Team cases, IKM expenditures and case data obtained from the Systems Unit will be the basis of such a report. Significant issue advocacy efforts should also be documented in this report as should program or training initiatives.

The HFC Annual Report will be distributed to Commissioners and Deputy Commissioners of the Department of Education and the human services agencies involved with children, EOHS, legislative leadership, Office for Children and Help for Children staff, chairpersons of area Councils for Children, SAC leadership and others upon request.

C. Additional Reports

Central Office may provide additional reports upon the request of the Director of the Office for Children or interagency task forces working on a specific children's issue. The Help for Children Program Manager screens those requests and responds in the most appropriate manner. It is the policy of the HFC Unit to respond to requests by providing existing reports or readily available data. If specific area or regional information is needed, the HFC Manager will request the Regional HFC Supervisors to suggest the most appropriate way to compile the information or document the issue.

D. Distribution

Central HFC reports will be distributed to the Director of Advocacy, the Office for Children Director and others as deemed appropriate.



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WORKPLANS

The Help for Children Program is responsible for developing annual statewide, regional and area work plans consistent with agency priorities and goals.

AREA WORKPLANS

Before drafting an area workplan the Advocate should:

Identify area Help for Children issues and concerns.

Review and assess the long and short term priorities of the area Help for Children program, the previous years' workplan, and the previous years' HFC data and reports.

Consult the Regional HFC Program Manager, the Community Representative, Council for Children, and, if appropriate, other agencies or resources.

The Advocate then drafts a brief annual area Help for Children Workplan which reflects Help for Children Program priorities. The Help for Children Program manager will assist the Advocate to develop a realistic workplan, and reviews and signs off on each area workplan prior to implementation.

The area Help for Children Workplan is a blueprint for achieving program goals. It is a tool used to plan, implement, and review program goals and objectives. It includes a statement of these goals, objectives, activities, proposed timelines, and resources necessary to achieve these goals.

Goal:	The <u>goal</u> defines a broad ultimate outcome to which the Help for Children Program is committed in selected program areas.
Objective:	<u>Objective</u> defines the specific outcome which the program seeks to achieve at the area level.
Activities:	<u>Activities</u> describes steps/action needed to achieve the objectives.
Proposed Timelines:	<u>Proposed Timeliness</u> will reflect realistic projection of time needed to accomplish each objective. These timelines may be delineated by the month, quarter, or semi annually.

Necessary
Resources: Necessary Resources include personnel,
materials/equipment, cooperation by other
units and agencies, management support, and
adequate funding.

The goals of the Help for Children area workplan will consist of between 1-5 of the following program areas.

Case Advocacy
Information and Referral
Area Administration (Data, IKM, Reports, resource
files)
Training/Professional Development
Interagency Coordination
Issue Advocacy
Relationship to Council
Community Education

The Advocate will provide a copy of area HFC workplan to the Community Representative, Council for Children, and Regional HFC Program Manager, and Regional Director.

Objectives which involve cooperation of other OFC units reviewed by those units and agreed upon prior to inclusion in the area Help for Children workplan.

The annual workplan will be reviewed and revised as needed by the advocate in consultation with the Help for Children Regional Program Manager.

TRAINING

POLICY

The Help For Children Program will provide consistent orientation and in-service training to Help For Children staff to refine job skills, enhance their knowledge of the children's service system and enrich their job experience.

PROCEDURES

I. INITIAL TRAINING

All HFC staff will receive a two week orientation training.

A. CENTRAL OFFICE RESPONSIBILITIES

Central HFC will provide technical assistance to the Regional HFC Programs to ensure that Child Advocate Coordinators receive necessary training. Central Office will provide:

1. Introduction to Agency Director, Unit Heads and Central Team Manager, Legal Staff.
2. Periodic statewide orientations introducing Central Office staff and describing OFC organizational structure and functions.

Central HFC will provide Regional Offices with the following information:

1. Written materials regarding personnel policies including job description, benefits package, performance evaluation and civil service information.
2. Written materials regarding OFC including a copy of Chapter 28A, Unit and Special Project descriptions, HFC Policy and Procedures Manual, and Statewide staff directory.
3. Written materials pertaining to federal and state agencies serving children including: mandates, regulations and any current policy and/or procedural changes to be distributed to Area office via Regional offices.

B. REGIONAL OFFICE RESPONSIBILITIES

Regional HFC will provide a comprehensive orientation to all new staff.

1. REGIONAL DIRECTOR

The Regional Director will:

- a) Welcome new staff to the region and discuss agency and regional goals.
- b) Provide new staff with an overview of regional policies and procedures such as attendance at regional and area staff meetings, calling in sick, area office coverage and inter-unit communications is provided.

2. REGIONAL HELP FOR CHILDREN PROGRAM MANAGER

The HFC Program Manager:

- a) Introduce all regional personnel and identify their functions within the office.
- b) Introduce other HFC staff within the region.
- c) Within the first two weeks, provide orientation to the following areas:
 - OFC history and mandates according to Chapter 28A.
 - Job description.
 - The process used for performance evaluation including forms utilized and frequency of those evaluations in accordance with agency policies.
 - The HFC Policy and Procedures Manual.
 - Procedures for IKM and data.
 - Schedules for Supervision and HFC unit meetings.
 - The distinction between the necessity for maintaining confidentiality according to FIPA (including Release of Information Forms) and an understanding of public access to information according to FOIA.

- d) Within the first six months provide casework/practice style training.
- e) Explain the need for the Advocate to establish contact with community resources such as:

DSS and DMH Area Directors;
 Clinical Supervisors;
 Children's Coordinators;
 local Special Education Directors;
 private agency liaisons;
 DPH and DYS case management supervisors;
 DOE Special Education Liaisons and Mediators;
 local Juvenile Probation Officers; and,
 any other relevant community members.

Contact may be established through formal or informal meetings, or through participation in on-going community groups.

- f) In collaboration with the Regional Licensing staff, provide public information regarding day care and group care services including:
 - Overview of group day care, family day care services and licensing procedures.
 - Copy of family day care, group day care and group care regulations, including complaint procedures.
 - List of local day care providers.
- g) In collaboration with the Regional Coordinator, provide information about the Community Development program including:
 - Activities of Councils for Children.
 - Joint HFC and CD projects.
 - Regional Chairperson's activities.
 - The legislative process including the development and tracking of new bills, development of agency budgets, access to local representatives and OFC policy on staff testimonies at public hearings.

C. JOINT RESPONSIBILITIES OF THE CENTRAL & REGIONAL HFC PROGRAMS

Central HFC will develop a basic orientation plan to include an initial orientation and on-the-job training over the first six months.

In addition to the initial two week orientation, Advocates will receive training in the following areas:

1. CASE WORK PRACTICE/STYLE

Case work practice including: the procedures outlined in this manual, methods for dealing with crisis situations, and techniques used in conflict resolution such as negotiation and mediation.

The opportunity for peer shadowing will be provided. These activities could include attendance at 766 CORE evaluations, 766 mediations, interagency case conferences, Regional and Central Interagency Team presentations, and, if possible, BSEA, DSS, DMH, or other agency appeals.

Regulations for the Regional and Central Interagency Team Process including scope and philosophy, forms, time lines, staff responsibilities and strategies. An introduction to members of the Regional Interagency Team.

Clinical information regarding diagnostic categories and impairments.

2. FEDERAL, STATE AND LOCAL AGENCIES

The mandates, regulations, policies and procedures of federal, state, and local agencies including:

- Executive Office of Human Services - EOHS;
- Department of Social Services - DSS, including regulations regarding abuse and neglect;
- Department of Mental Health - DMH, services to MH clients i.e., counseling, evaluation, outreach, emergency hospitalization, hospital diversion and residential placement;
- Department of Mental Retardation - DMR, including services to MR clients i.e., respite, counseling day programming, sheltered workshops, community residential placements, ICF-A's and specialized home care;
- Department of Education -DOE, including regulations regarding student's rights discipline, codes, vocational education, bilingual education, early education and

programs for gifted and talented;
 Department of Public Welfare - DPW, including
 regulations and policies regarding AFDC,
 Medicaid, Food Stamps, Emergency Assistance,
 General Relief, Employment and training,
 and Project Good Health.
 Department of Youth Services - DYS
 Department of Public Health - DPH
 Massachusetts Rehabilitations Commission - MRC;
 Massachusetts Commission for the Blind - MCB;
 Massachusetts Commission for the Deaf and Hard
 of Hearing - MCDHH;
 Local Education Authorities - LEA;
 Courts;
 Department of Public Utilities - DPU;
 Bureau of Transitional Planning BTP;
 Boards of Health;
 Fuel Assistance Programs;
 Community Action Agencies - CAP
 Social Security Administration - SSA, including
 eligibility for SSI

3. ENTITLEMENTS

Special Education, including PL 94-142; Chapter 766 and
 its process including referrals, evaluation, CORE
 meetings, IEP and prototypes, independent evaluations,
 mediation and appeal, approved Chapter 766 schools,
 private school regulations and audits.

Discrimination and disability laws such as the Rehab.
 Act of 1973-Section 504; Section 522; Title IX and
 relevant executive orders.

The children's legal system including district,
 juvenile and probate court systems; Care and Protection
 proceedings; permanency planning and adoption; Mental
 Health Commitments; guardianship and custody;
 delinquency, bail and detention; D.A. involvement with
 sexual abuse prosecution, and leading federal and state
 statutes.

4. SERVICES AND SERVICE DELIVERY

The different categories of residential placements
 for children in need of substitute care as listed
 in the Data Manual including descriptions of
 programs within each category.

Those services offered by several agencies, both
 public and private, the different regulations
 governing them and the means by which they can be

accessed including transportation, day care, homemaker, respite, medical, camperships, mental health services and ancillary maintenance (housing, utilities, food, clothing).

Procedures for accessing locally subsidized day care programs such as DSS contracted slots, DFW voucher payments, employer supported day care programs, CCR&R.

D. AREA OFFICE RESPONSIBILITIES

Area office staff will provide an orientation to the area office and local children's services.

1. The Community Representative shall:

a) Acquaint new staff with the local Council for Children:

- describe the Council membership, goals, annual plans and active Council Committees;
- introduce Council leadership and Committee Chairpersons;
- schedule a meeting between new staff and the appropriate HFC support committee;
- describe or explain advocate's responsibility vis a vis the Council meetings and reports.

b) Acquaint new staff with local children's services:

- describe public and private agencies within the area and their funding sources;
- outline pressing children's issues within the area; explain local Task Forces, Community Boards, and inter agency groups; introduce local educators and human service professionals who have frequent contact with the office.

2. The Area Secretary shall:

- a) Indicate the location of supplies, resource files, Office for Children forms (i.e., time sheets, travel sheets, vacation requests, and Help for Children forms.)

- b) Train new staff how to operate office equipment such as copying machine, mimeograph, telephone answering machine, computer and/or typewriter.
- c) Describe office procedures including phone and office coverage, scheduling of staff meetings, sharing office responsibility and information, and relaying telephone messages.
- d) Describe the system used to implement data procedures outlined in the Help for Children Data Manual.

II. IN-SERVICE TRAINING/INFORMATIONAL WORKSHOPS

In-service Training and Informational Workshops provide staff with training on specific Help for Children policies and procedures, casework skills and services for families and children.

The development and delivery of in-service trainings and informational workshops may be coordinated by Central and/or Regional Office or by a statewide advocate training group. Training and training decisions shall be the responsibility of Regional and Central HFC staff with input from HFC participants in the training.

All staff are encouraged to suggest topics for future training. Evaluation of previous trainings or workshops, internal or external statute, regulation or policy changes may also provide training topics.

A. CENTRAL RESPONSIBILITIES

The Central HFC Program provides regular statewide training to introduce changes in OFC policies and procedures.

The Central HFC Program will:

1. Explore and coordinate outside training opportunities available for HFC staff.
2. Review needs specifically defined by HFC staff at area, regional and central levels.
3. Evaluate present formal and informal training to determine whether it successfully assists HFC staff.
4. Assess HFC capacity to provide training to staff.

Central HFC will develop training packets or video tapes of statewide trainings for regional use.

B. REGIONAL RESPONSIBILITIES

The Regional HFC program will:

1. Provide regionwide trainings and workshops on issues and need identified by Area and Regional staff such as changes in Human Service Agency policies, stress management, negotiation skills, effective advocacy techniques, developmental diagnostic categories, etc.
2. The Regional HFC Program will provide information regarding community training and will facilitate Help for Children staff participation.

Mandated or optional participation of HFC staff in training sessions shall be the decision of the Regional HFC Help for Children Program Manager, except as mandated by the Central HFC Program Manager or the Director of the Office.

RELATIONSHIP TO COUNCIL'S FOR CHILDREN

The Office for Children's is mandated to consult citizens in the development and monitoring of children's services in Massachusetts. The Advocacy Division of the Office for Children utilizes the Help for Children Program and the Council's for Children to identify, document, develop, and monitor children's services statewide.

The Help for Children's information, referral and advocacy services provide important and comprehensive data to the Councils. The Council may need to further document gaps in service or examine existing services. Councils may interview local service providers, complete a community review, or a proposal review to determine whether or not providers have resources and are capable of handling the service needs. Other activities of the Council may be the development of a service directory for the Council area, or working with interagency groups, administration, advocacy groups or legislators to effectively change policy or legislation to address an identified issue.

POLICY

The relationship of the Advocate to the Council must be flexible.

The Help for Children Program issues shall be incorporated into the advocacy activities of the Councils outlined in the Community Development Manual. HFC encourages the Council to engage in activities that:

- promote advocacy within the Council and the Office for Children based on Help for Children data;
- develop strong linkage with the community;
- support the Help for Children program.

PROCEDURES

The Advocate meets with the Community Representative on at least a monthly basis to share information on the current status of the HFC program, the types of cases the program is receiving and problems or barriers encountered in accessing services for children. At that time the Advocate will share the monthly HFC

activities report with the Community representative and the Council for Children.

The Advocate works closely with any Help for Children Committee.

The Advocate will present the Help for Children Annual Report to the Council for Children. Within six months of the presentation of the Annual Report, the Advocate will meet with the Council to assess the progress made in resolving problems identified by the HFC Program and determine additional steps to be taken.

During the time the Council for Children is preparing its' annual workplan, the Advocate will work with the Council to identify children's issues and appropriate strategies to resolve issues identified through the HFC program. A joint issues advocacy workplan might be the outcome of such a meeting.

The Advocate should be available to the Council to advise it on potential needs assessment areas, ideas for community review activities, and problems facing children identified through the Help for Children Data System.

PUBLIC RELATIONS

Public Relations is designed to promote a realistic and positive HFC program image within the community.

Help for Children staff provide public information about the functions and services of the program in accordance with the Fair Information and Practices Act (M.G.L. c66 section 8).

POLICY

I. HELP FOR CHILDREN RESPONSIBILITIES

A. Central HFC Program Responsibilities

The Program Manager develops materials, presentations and pursues other public relations opportunities to promote the Help for Children Program. The Program Manager works in conjunction with Community Development, other Office for Children Units and discusses public relations items with the Communications Officer.

B. Regional HFC Program Responsibilities

1. The Regional HFC Program Manager has primary responsibility for regional presentations and participation in regional forums. The Program Manager will work with the Regional Director, Regional Coordinator, Regional leadership groups and other Office For Children Units to promote a positive and clear understanding of the program, the agency and its activities.
2. The Regional HFC Program Manager disseminates public informational materials developed by the Central HFC Program.
3. The Regional HFC Program Manager provides area staff with technical public relations assistance and support.
4. The Regional HFC Program Managers reviews area HFC public relations activities to ensure adherence to Central office HFC policy.

C. Area Help for Children

1. The Advocate consults with the Regional HFC Manager, but has primary responsibility for conducting area Help For Children public relations activities.
2. The Advocate will advise and provide technical assistance to the the Community Representative and the local Council for Children to promote the Help for Children Program.

II. PUBLIC RELATIONS ACTIVITIES

Public Relation activities include:

- Submitting articles to newspapers or magazines.
- Distributing press releases.
- Participating in radio and television panels and talk shows.
- Developing and/or distributing public service announcements.
- Developing and distributing posters and pamphlets.
- Participating in community forums, panel discussions, special topic workshops, or making other presentations to community organizations.
- Submitting the Help For Children program description, address and telephone number to human service guides, resource directories, and appropriate advocacy agencies.

COMMUNITY EDUCATION

The Help For Children program shall educate the community regarding children's issues, needs and available services.

Community Education will provide to all members of the community, information about the wide spectrum of children's services, children's rights, and gaps in services. One goal of is to enable members of the community to become effective advocates for children.

PROCEDURES

- I. Community education plans will be developed by the Advocate in consultation with the Community Representative, Council for Children and Regional Help for Children Program Manager.
- II. The Advocate will keep the Community Representative, Council for Children and Regional Help For Children Program Manager informed of his/her involvement in community educational activities.

III.. SUGGESTED FORMATS FOR COMMUNITY EDUCATION

The Advocate may:

- A. Distribute written materials such as pamphlets, resource listings, posters, manuals, articles in human service and education newsletters including those developed by Help For Children or Councils for Children.
- B. Participate in or sponsor community forums, parents' groups, special topic workshops, panel discussions, presentations to the Council for Children and other community organizations.
- C. Participate in in-service trainings to human service or education providers.
- D. Submit articles for publication, distribute press releases, participate in radio and television panels and talk shows, and develop and/or distribute public service announcements.
- E. Provide information and skill development training to parents, children and providers through direct advocacy.

CHAPTER 28A.

OFFICE FOR CHILDREN.

Section	Section
1. Policy of Commonwealth Defined.	11. Operation of Care Facilities or Placement Agencies Without License Prohibited; Approval Required for Governmental Operation of Care Facilities; Placement of Children Regulated.
2. Definitions for Secs. 1—8, Inclusive.	11A. Background Information on Prospective Adoptive Family to be Furnished to Person Whose Consent is Required for Adoption.
3. Office for Children; Director of Office; Acceptance and Disposition of Funds; Agreements and Contracts; Regulations.	12. Delegation of Licensing Powers to Cities and Towns.
4. Functions of Office for Children.	13. Probation, Suspension or Revocation of License or Approval; Refusal of License or Approval or Renewal Thereof.
5. Development of Day Care Services.	14. Advertising for Placement or Reception of Child for Family Foster Care, Group Residential Care, Family Day Care, or For Adoption; Advertisement to Include License or Registration Number.
6. All Executive Offices to Furnish Information.	15. Penalty for Violation of Sec. 11 or Sec. 14.
6A. Interagency Childrens' Services Teams; Resolution of Disputes Arising Among Agencies; Identification of Necessary Services; Designation of Appropriate Agency.	16. Enjoining Violations of Sec. 11 or Sec. 14.
7. Local Councils for Children and Their Functions.	
8. State-wide Advisory Council; Functions of Council; Reports.	
9. Definitions for Secs. 9—16, Inclusive.	
10. Licenses and Approvals for Day Care, Foster Care and Group Care Services, Centers and Temporary Care Facilities; Provisional Licenses and Approvals; Rules and Regulations of Office for Children.	

28A:1. Policy of Commonwealth Defined.

Section 1. It is hereby declared to be the policy of the commonwealth to assure every child a fair and full opportunity to reach his full potential by providing and encouraging services which strengthen family life and support families in their essential function of nurture for a child's physical, social, educational, moral, and spiritual development. Every child shall be entitled to the full protection of the commonwealth. In the absence or inability of parents to provide care and protection for their children, it shall be the responsibility of the commonwealth to assure substitute residential care and protection for every child. The purposes of this chapter are as follows:—

- (1) to assure the sound and coordinated development of all services to children;
- (2) to assure parents a decisive role in the planning, operation, and evaluation of programs which aid families in the care of children;
- (3) to respect and draw upon family values and cultural heritage;
- (4) to establish the administrative framework for, and promote the development of day care services in order to provide that such services shall be available in every community for all families which express a need for them;

- (5) to assure that family foster care or other residential care is provided only when the family itself or the resources available to the family are unable to provide the necessary care and protection to insure the rights of any child to sound development; and
- (6) to assure that every child shall in all circumstances be protected against all forms of neglect, cruelty, abuse, and exploitation.

28A:2. Definitions for Secs. 1—8, Inclusive.

Section 2. The following words as used in sections one to eight, inclusive, shall, unless the context otherwise requires, have the following meanings:—

“Child”, any person under the age of sixteen or under the age of eighteen if such child is a child with special needs.

“Child with special needs”, any child, who because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors, or other specific learning disabilities, is inhibited from achieving his full potential.

“Day care services”, any public or privately sponsored non-residential programs, which provide for the care of school-age children when not attending school or pre-school children by someone other than members of the child’s own family, and which involve and support the child’s parents or guardians and are appropriate to the development of the child, including in-home care; homemaker services; family day care homes; group day care homes; day care centers for the full day; part-day pre-school programs and nursery schools; private kindergartens; before and after school programs; temporary shelter care programs and programs which offer night care.

“Director”, director of the office for children.

“Office”, the office for children.

“Services to children”, public or privately funded programs which provide developmental, preventive, protective, recreational or rehabilitative services for children including services for children with special needs; day care services; foster care services; residential group homes; services to assist parents in child nurture and family living; summer camps; playground programs; services to children who are found to be subject to neglect, abuse or exploitation; diagnostic, preventive and remedial medical services to children; information and referral services; and legal services to assure the rights of children.

28A:3. Office for Children; Director of Office; Acceptance and Disposition of Funds; Agreements and Contracts; Regulations.

Section 3. There shall be an office for children under the exclusive supervision and control of a director who shall be appointed by the governor, with the advice of the secretary of human services, and who shall serve at the pleasure of the governor. The director shall, at the time

of his or her appointment, have substantial professional or administrative experience in a field concerned with children's needs. The position of the director shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty and the director shall devote his full time during business hours to the duties of his office. He shall appoint and may remove such assistant directors and such other employees and consultants as he shall deem necessary to perform the functions of the office. The provisions of chapter thirty-one and sections nine A, nine B and nine D of chapter thirty shall not apply to the director, to such assistant directors as he may appoint, or to such other supervisory positions as he may create.

The office may lease, purchase, hold and dispose of personal and real property. Subject to the approval of the secretary of human services, the director may apply for and accept on behalf of the commonwealth any federal, local or private grants, bequests, gifts or contributions to aid in the financing of any of the programs or policies of the office. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the director, with the approval of the secretary of human services. Federal funds paid as reimbursement to the commonwealth shall be deposited in the general fund.

The office may make agreements with other departments and agencies of the commonwealth and may contract with other persons, including private agencies, to carry out any of the functions and purposes set out in this chapter. The director shall establish standards and procedures governing such agreements and contracts subject to the approval of the secretary of administration.

The director, pursuant to the provisions of chapter thirty A shall make, and from time to time revise, such regulations as may be necessary to carry out the functions set forth in this chapter.

28A:4. Functions of Office for Children.

Section 4. The office shall perform the following functions:

- (a) serve as an advocate and provide an articulate focus for the needs of children and disseminate information to the public regarding children's services;
- (b) promote the development of programs and services to all children emphasizing to programs for children with special needs;
- (c) establish regulations for the licensing or approval of day care centers, family day care homes which are not part of family day care systems, family day care systems, foster care which is not supervised and approved by a placement agency, placement agencies, and group care facilities in accordance with the provisions of sections nine to sixteen, inclusive. Licensure or approval of day care centers, and family day care homes and family day care systems shall be done on a regional basis

- consistent with substate regions as approved by the secretary of administration; 14
- (d) determine the extent and availability of services to children within the commonwealth; 15
- (e) determine the need for services to children within the commonwealth and make recommendations to the appropriate secretaries and to the governor on need priorities; 16
- (f) analyze and evaluate all budget requests for services to children from departments or agencies within all executive offices and make recommendations to the secretary of human services and other appropriate secretaries and the governor regarding coordination and approval of such budget requests; 17
- (g) promote the coordination of programs for services to children in departments and agencies within all executive offices and make recommendations to the appropriate secretaries regarding changes necessary to improve such coordination; 18
- (h) evaluate and monitor programs for children in departments and agencies within the executive office of human services and, by agreement with other executive offices, evaluate and monitor programs for children for which any such executive office has responsibility; 19
- (i) facilitate the development of and, when appropriate, provide for training programs for persons offering services in day care centers, family day care homes, and family foster care as defined in section nine. Such programs shall be developed in coordination with manpower training and educational programs offered under the executive offices of educational affairs, manpower affairs and communities and development. 20
- (j) seek, apply for and encourage the use of all federal funds for children's services and facilitate the coordination of federal, state, and local policies concerning children's services; 21
- (k) provide information and referral to persons seeking children's services; 22
- (l) provide for technical assistance and consultation to providers and potential providers of services to children; and 23
- (m) prepare and submit a report to the governor, the general court, and the secretaries of all executive offices annually on the first Monday of July. Such report shall include, but not be limited to, a review of the status of services to children within the commonwealth; recommendations for priorities for the development and coordination of services to children during the next following fiscal year and for the following four fiscal years; an assessment and evaluation of the progress made as the result of such recommendations for the preceding two fiscal years; a statement of goals for activities of the office during the next following fiscal year and the following four fiscal years; the steps to be taken by the office to implement the purposes stated in section one; a review and evaluation of the purposes made in accomplishing said purposes for the preceding two fiscal years. 24

28A:5. Development of Day Care Services.

Section 5. The office shall promote the development of day care services for children in the following manner:—

1. The office shall seek, accept and distribute or expend all federal funds available to the office for day care and related services and shall assist other agencies of the commonwealth and local agencies to take full advantage of all federal funds available for such services.

2. The office shall provide general information and technical assistance to groups of parents and other providers and potential providers of day care services, including information regarding sources of available funds.

3. The office may provide day care services to children by contracting for such services, or, in the case of demonstration programs, by operating such services or contracting for such services.

4. The office shall be responsible for the prior approval of the distribution or expenditure of funds for day care services by departments or agencies within the executive office of human services, which approval shall be required.

5. The office shall be responsible for approval of budget requests for day care services from departments or agencies within an executive office by agreement with the secretary of any executive office, and such approval, by agreement, may be required.

28A:6. All Executive Offices to Furnish Information.

Section 6. All executive offices shall, upon request and within a reasonable time, provide to the office the information it requires to perform its functions as set forth in sections four and five.

28A:6A. Interagency Childrens' Services Teams; Resolution of Disputes Arising Among Agencies; Identification of Necessary Services; Designation of Appropriate Agency.

Section 6A. The director shall convene and chair interagency childrens' services teams for determining which agency shall provide or contract for appropriate services to a child in cases when disputes arise among agencies over the delivery of services to a child or when such services are not being provided to a child. For purposes of this section, "agency" shall mean any department, office, commission, board, institution, or other agency of the commonwealth or any political subdivision thereof.

The director or his designee shall chair such teams and preside over meetings. Such teams shall also include the commissioner or chief executive officer, or his designee, of the following agencies: the department of public health, the department of social services, the department of mental health, the department of youth services, the department of education, the department of public welfare, the Massachusetts rehabilitation commission, the commission for the blind, or any other agency as

deemed necessary by the director to ensure delivery of appropriate and needed services to a child. 16
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Such teams shall review such cases and seek to identify the services necessary to resolve such cases; designate the agency or agencies which shall provide or contract for such services; direct such designated agency or agencies to accept responsibility for such child and provide or contract for such services; and provide opportunities to receive testimony and evidence from such child, the family of such child, the representative of such child or such family, or the representative or other employee of such agency. 18
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If no decision is agreed upon by a majority of the team, the director shall designate and require an agency to provide appropriate and needed services to such child. If a designated agency fails to provide services to a child in a manner consistent with the decision of the team, the director shall notify the commissioner or chief executive officer of the agency of its noncompliance and shall refer the case to the secretary of the executive office of human services. If said secretary finds that such decision of the team is reasonable and within the jurisdiction of the designated agency, he shall direct such agency to provide services in accordance with the decision of the team and shall take any other action consistent with state law to ensure that appropriate services are provided to such child. 26
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The teams shall have full access to, and the agencies shall provide all information to such cases, notwithstanding any provisions of chapter sixty-six A, chapter one hundred and nineteen, chapter one hundred and twelve, or any other law to the contrary related to the confidentiality of personal data. 38
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For purposes of this section, "child" shall mean a person under the age of eighteen, or under the age of twenty-two if such person is disabled or has special needs. 43
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The director shall issue an annual report summarizing the activities of the teams during the preceding fiscal year. 46
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28A.7. Local Councils for Children and Their Functions.

Section 7. The office shall facilitate the establishment of local councils for children within localities determined by the office, provided, that such localities shall not be inconsistent with substate regions and areas as approved by the secretary of administration. The office shall establish, after public hearing, guidelines and procedures for recognition of such councils; provided, that the membership of each council shall consist of at least one-third consumers; and provided, further, that the remaining members include representatives of public and private community groups concerned with services to children and representatives of public and private organizations providing services to children. 1
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In accordance with such guidelines and procedures so established by the office, such councils shall perform the following functions: 11
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- (a) determine the extent and availability of services to children within the locality represented by the council; 13
 - (b) develop an information and referral service for persons seeking services for children within the locality; 14
 - (c) determine the need for services to children within the locality and make recommendations to the office on priorities of need; 15
 - (d) evaluate and monitor existing children's services in the locality; 16
 - and 17
 - (e) review and make recommendations to the office concerning approval or disapproval of proposals for state or federal funding for services to children in the locality. Upon receipt of such recommendation from a council concerning those proposals for which the office has responsibility to review or implement, the office shall, within a reasonable time, forward a written reply to such council stating the action taken by the office on such recommendations and the reasons for the action. 18
- The office shall give local councils opportunity to review and comment on guidelines and procedures to be established under this section prior to the public hearing required to be held thereon. The office shall give reasonable notice to all local councils of all public hearings held by the office. 19

28A:8. State-wide Advisory Council; Functions of Council; Reports.

Section 8. There shall be a state-wide advisory council to the office to consist of the secretaries of the executive offices of human services, manpower affairs, communities and development and educational affairs, or their designees, twelve members appointed by the governor, and sixteen members elected by the local councils for children established under section seven. All appointive or elective members shall serve for terms of three years. The chairman shall be appointed by the governor from the appointed or elected members and shall serve as chairman at the pleasure of the governor, provided, that no member may serve as chairman for more than six years. Appointive or elective members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. 1

Said advisory council shall:— 2

- (a) 3
 - (1) assist the director in coordinating the efforts of all public agencies concerned with services to children; 4
 - (2) advise the director on policy, planning and priorities of need in the commonwealth for services to children; 5
 - (3) review regulations proposed by the office and make recommendations to the director in regard thereto; 6
 - (4) suggest new regulations to the director; 7
 - (5) annually review the programs and policies of the office; 8
 - (6) review, in conjunction with the office, at least biannually, the organization, structure and functioning of services to children in the commonwealth; and 9

(b)

Issue a report to the governor, the general court and the secretaries of all executive offices annually on the first Monday of July. The report shall include but not be limited to the council's goals for action during the next following fiscal year and the following four fiscal years; a review and evaluation of the progress made as the result of such recommendations for the preceding two fiscal years; the council's recommendations on priorities for action to be undertaken by the office during the following fiscal year and the following four fiscal years; and a review and evaluation of the progress made as the result of such recommendations for the preceding two fiscal years.

The office shall provide staff assistance to the council.

28A-9. Definitions for Secs. 9—16, Inclusive.

Section 9. The following words as used in this section and sections ten to sixteen, inclusive, shall, unless the context otherwise requires, have the following meanings:—

"Adoption", the establishment of the legal relationship of parent and child in accordance with the provisions of chapter two hundred ten.

"After school program", any program or facility operated on a regular basis which receives children not of common parentage between the ages of six and thirteen years of age, or between six and sixteen years of age if such children have special needs, for nonresidential custody and care during that part of the day which immediately follows the regular school day. After school program shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to an after school program, a Sunday school or classes for religious instruction conducted by a religious institution, a program or facility operated by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services, a family day care home, an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"Children with special needs", children who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors, or other specific learning disabilities are or would be unable to progress effectively in a regular school program.

"Day care center," any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven years of age, or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not

include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

"Family day care home", any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"Family day care system", any person who, through contractual arrangement, provides to family day care homes which it has approved as members of said system, central administrative functions including, but not limited to, training of operators of family day care homes; technical assistance and consultation to operators of family day care homes; inspection, supervision, monitoring, and evaluation of family day care homes; referral of children to available family day care homes; and referral of children to available health and social services; provided, however, that family day care system shall not mean a placement agency or a day care center.

"Family foster care", substitute parental care in a family given in a private residence for up to six children under sixteen years of age on a regular, twenty-four-hour-a-day, residential basis by anyone other than a relative by blood or marriage; provided, however, that such care may be provided for more than six children in order to place siblings in the same residence.

"Group care facility", any facility which provides care and custody for one or more children under sixteen years of age, on a regular, twenty-four hour a day, residential basis by anyone other than a relative by blood or marriage, notwithstanding the fact that such care may include educational instruction; provided, private schools shall be considered group care facilities only if such schools provide special services to children with special needs. Group care facility shall not mean family foster care, a hospital, ward or comprehensive center licensed under the provisions of section twenty-nine of chapter nineteen, a hospital, ward or comprehensive center operated by the commonwealth or any subdivision thereof, a hospital, institution for unwed mothers, convalescent or nursing home,

rest home, or infirmary licensed under the provisions of chapter one hundred eleven, or any facility licensed under the provisions of section forty-four of chapter one hundred twenty-three. Group care facility shall not be limited to a facility defined as a group residence in section one of chapter one hundred and forty-three.

"Office", the office for children.

"Person", any individual, partnership, corporation, association, organization or trust or any department, agency or institution of the federal government or of the commonwealth or any political subdivision thereof.

"Placement agency", a department, agency or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under chapter one hundred and eighty, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under sixteen years of age, for placement in family foster care or a group care facility, or for adoption.

"Temporary shelter facility", any facility which operates to receive children under eighteen years of age for temporary shelter during the day or night when such children request shelter therein, or when such children are placed there by a placement agency, a law enforcement agency, or a court with authority to make such placement. Temporary shelter facility shall not mean family foster care or a group care facility, a police station or a town lockup.

28A:10. Licenses and Approvals for Day Care, Foster Care and Group Care Services, Centers and Temporary Care Facilities; Provisional Licenses and Approvals; Rules and Regulations of Office for Children.

Section 10. (a) The office shall issue and may renew a license to any person other than a department, agency or institution of the commonwealth or any political subdivision thereof, who meets applicable standards and requirements to establish and maintain an after school program, a day care center, family day care home which is not a part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, group care facility, or temporary shelter facility. The office shall issue and may renew a license to any organization incorporated under chapter one hundred and eighty which meets applicable standards and requirements to establish and maintain a placement agency. The office shall issue approval to a department, agency, or institution of the commonwealth or any political subdivision thereof which it deems meets such applicable standards and requirements to establish and maintain a day care center, family day care home which is not part of a family day care system, family day care system, placement agency, group care facility, or temporary shelter facility.

(b) The office may issue a provisional license for or may provisionally approve an after school program, a day care center, family day care home which is not part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, placement agency, group care facility, or temporary shelter facility, any of which has not previously operated or is operating but is temporarily unable to meet applicable standards and requirements.

(c) The office shall, pursuant to the provisions of chapter thirty A, and after consultation with the executive offices of educational affairs, manpower affairs, public safety, communities and development, and the departments of youth services, mental health, public health and public welfare, promulgate rules and regulations to carry out the purposes and functions of sections nine to sixteen, inclusive. Such regulations, as they relate to standards and requirements for licensure and approval of after school programs, day care centers, family day care homes which are not part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, placement agencies, group care facilities, and temporary shelter facilities, shall be appropriate for the protection of the health, well-being and development of children and shall include, but need not be limited to provisions regarding (1) admission policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or treatment; (6) health care and nutrition; (7) rights and responsibilities of parents, children and staff; (8) record keeping and other procedures relevant to evaluation; and (9) organization, financing and administration. In formulating the regulations pertinent to family day care homes and family foster care, the office shall give special attention to fire and safety precautions. Such regulations may establish classifications for licensure or approval as are necessary to achieve the purposes of sections nine to sixteen, inclusive; provided, that the standards and requirements for approval of a day care center, family day care home which is not part of a family day care system, family day care system, placement agency, group care facility, or temporary shelter facility, operated by a department, agency or institution of the commonwealth or any political subdivision thereof shall be the same as or higher than those applicable to the licensure or comparable facilities or services. Such regulations shall establish reasonable license fees and appropriate terms for all licenses granted under the provisions of this section. No such license or approval shall be transferable. A provisional license or approval shall be issued for a period not to exceed six months and in no case shall a person operate under a provisional license, provisional approval, or renewal thereof for more than twelve consecutive months. Any rule or regulation involving medical treatment shall include appropriate exemptions for children whose parents object thereto on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of

which the parent or child is an adherent or member. The office shall
conduct a comprehensive review of rules and regulations established
under this section at least once every five years.

(d) The office may, at any reasonable time, visit and inspect any facility operated by a person who is subject to licensure or approval under this section in order to determine whether such facility is being operated in compliance with law and with the rules and regulations established under paragraph (c) of this section.

(e) The office shall provide consultation to assist applicants in meeting its requirements for licensure or approval, and in meeting other applicable state and local requirements relative to fire, safety, and zoning codes.

MA-11. Operation of Care Facilities or Placement Agencies Without License Prohibited; Approval Required for Governmental Operation of Care Facilities; Placement of Children Regulated.

Section 11. (a) No person shall operate an after school program; a day care center, family day care home, family day care system, group care facility, placement agency, or temporary shelter facility unless such person is licensed by the office; provided, however, that a person who operates a family day care home shall not be required to obtain a license if such person operates as part of a licensed family day care system, and provided further, that a department, agency or institution of the commonwealth or any political subdivision thereof shall obtain an approval rather than a license in order to operate a day care center, family day care home, family day care system, group care facility, placement agency, or temporary shelter facility.

(b) No person shall maintain a child in family foster care without placement, supervision and approval by a placement agency unless such person is licensed by the office.

(c) No person shall place or knowingly facilitate the placement of any child as defined in section two in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption in the commonwealth. No person unrelated to such a child by blood or marriage, and no organization other than a licensed or approved placement agency, shall receive such a child for purposes of adoption, except from a licensed or approved placement agency. Nothing herein shall prevent the placement of a child who is not a citizen of the United States when a home study of the prospective parent or parents prior to the placement of the child is performed by a licensed placement agency. For the purpose of this section the spouse of the natural parent of such a child shall be deemed to be related by marriage to said child.

**28A:11A. Background Information on Prospective Adoptive Family to be
Furnished to Person Whose Consent is Required for Adoption.**

Section 11A. A person whose consent is required by section two of
chapter two hundred and ten may, prior to surrender, request from a
placement agency background information pertaining to the prospective
adoptive family in which the placement agency expects to place the child
if surrendered. The nature of the background information shall be estab-
lished in the rules and regulations promulgated by the office as authorized
by section ten; provided, however, that no agency shall be required to
reveal the identity or geographical location of the prospective adoptive
family to such person. The placement agency shall provide the said back-
ground information in writing unless the person whose consent is
required signs a written waiver of the request.

28A:12. Delegation of Licensing Powers to Cities and Towns.

Section 12. The director, in accordance with guidelines established by
the office, may delegate on an annual basis to any city or town the power
to issue, suspend, revoke, make probationary or renew licenses, pursuant
to the regulations promulgated by the office under section ten, to persons
operating or seeking to operate after school programs, day care centers,
family day care homes which are not part of family day care systems,
and family day care systems; provided, that any such city or town must
demonstrate that the delegation will result in more effective exercise of
such power; and provided, further, that persons subject to licensure by
such city or town shall be governed by the same rules and regulations
as persons subject to licensure by the office.

**28A:13. Probation, Suspension or Revocation of License or Approval;
Refusal of License or Approval or Renewal Thereof.**

Section 13. Subject to the requirements of chapter thirty A the office
may suspend, revoke, make probationary, refuse to issue or refuse to
renew the license or approval of any person. Such action may be taken
if such person; (1) fails to comply with applicable rules and regulations;
(2) furnishes or makes any misleading or false statement or report
required under such rules and regulations; (3) refuses to submit any
reports or make available any records required by such rules and regula-
tions; or (4) refuses to admit representatives of the office at any reason-
able time for purposes of investigation or inspection. The office may
temporarily suspend a license in an emergency situation without a prior
hearing; provided, however, that upon request of an aggrieved party, a
hearing shall be held as soon after the license is suspended as is reason-
ably possible. Any party aggrieved by a final decision of the office in
any adjudicatory proceeding under this section may petition for judicial
review in accordance with the provisions of section fourteen of chapter
thirty A.

28A:14. Advertising for Placement or Reception of Child for Family Foster Care, Group Residential Care, Family Day Care, or For Adoption; Advertisement to Include License or Registration Number.

Section 14. No person shall cause to be published in a newspaper distributed anywhere in the commonwealth or to be broadcast on a radio or television station in the commonwealth an advertisement or notice for the placement or reception of a child under sixteen years of age for family foster care, group residential care, family day care or for adoption unless such advertisement is placed by a licensed or approved placement agency, by a licensed group residence, or by a registered family day care provider, or with the written approval of the office. Such advertisement or notice shall include the license or registration number issued to the provider or agency pursuant to section ten. 10

28A:15. Penalty for Violation of Sec. 11 or Sec. 14.

Section 15. Any person who violates the provisions of section eleven or section fourteen of this chapter may be punished for each such violation by a fine of up to one thousand dollars or by imprisonment for not more than six months, or both. 4

28A:16. Enjoining Violations of Sec. 11 or Sec. 14.

Section 16. Upon petition of the office, the superior court shall have jurisdiction to enjoin any violation of the provisions of sections eleven or fourteen of this chapter or to take such other action as equity and justice may require. 4

101 CMR 8.00: FAIR INFORMATION PRACTICES

Section

- 8.01: General Provisions
- 8.02: Meaning of Terms in This Chapter
- 8.03: Information Officer
- 8.04: Administration of Personal Data
- 8.05: General Rules Regarding Access to Personal Data by Persons Other than the Data Subject
- 8.06: Special Rules Governing Access to Public Documents Containing Personal Data by Persons Other than the Data Subject
- 8.07: Access by Data Subjects
- 8.08: Objections
- 8.09: Administrative Appeals
- 8.10: Enforcement

8.01: General Provisions

- (1) Authority. 101 CMR 8.00 is promulgated pursuant to M.G.L. c. 66A, s. 3, as appearing in St. 1975, c. 776 and amended by St. 1977, c. 691.
- (2) Scope. 101 CMR 8.00 shall govern the collection, maintenance and disclosure of personal data contained in manual or computerized personal data systems. 101 CMR 8.00 shall not apply to criminal offender record information, intelligence information or evaluative information, as defined in M.G.L. c. 6, s. 167.
- (3) Application. 101 CMR 8.00 shall apply to the Executive Office of Human Services and to all agencies within said Executive Office. An agency shall be considered to be within the Executive Office of Human Services if it is listed in M.G.L. c. 6A, s. 16, or is within an agency listed in said s. 16. The question of whether a board, commission, council or other entity is within an agency shall be determined by the Executive Office of Human Services.
- (4) Agency Instructions. An agency may issue instructions consistent with 101 CMR 8.00 and with M.G.L. c. 66A to carry out the purpose set out herein; provided, that any such instructions which are reduced to writing shall, prior to issuance, be approved by the Secretary of Human Services. Such agency instructions may include, but need not be limited to the following:
 - (a) procedures for obtaining consent from a data subject to the granting of access to personal data concerning him;
 - (b) general authorizations for the agency to grant access to personal data or, with the consent of the disclosing agency, to receive personal data, without the consent of the data subject, to the extent permitted by M.G.L. c. 66A, s. 2(c);
 - (c) procedures for maintaining the audit trail required by 101 CMR 8.04(6);
 - (d) procedures governing access to personal data by data subjects, which:
 1. ensure that any substitute or proxy for the individual data subject be duly authorized by him;
 2. regulate the time and place for inspection and the manner of copying; provided that the time for inspection shall not be unduly restricted;
 3. require that data files be reviewed in the presence of or under the supervision of an employee of the agency; and
 4. ensure proper identification of a person claiming to be a data subject;
 - (e) procedures governing response to compulsory legal process, as required by 101 CMR 8.05(5);
 - (f) interpretation of statutes affecting the agency which prohibit, regulate or permit access to personal data; and
 - (g) procedures for obtaining informed consent to the collection of personal data, where such collection is not mandated by law.
- (5) Policy on Fees. Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in 101 CMR 8.01(6). Fees may only be charged where an individual requests that a copy be made of the record to which he is granted access.

8.01: continued

(6) Fee Schedule.

(a) Except as provided in 101 CMR 8.01(6)(d), an agency shall charge a fee of ten cents per page for photocopying of records susceptible to photocopying.

(b) Except as provided in 101 CMR 8.01(6)(d), an agency shall charge a fee substantially equivalent to the actual cost of reproduction as determined by the responsible agency employee for copying records not susceptible to photocopying (e.g. punch cards or magnetic tapes). Where a copy of the record must be made in order to provide access to the record, (e.g. computer printout where no screen reading is available), the copy shall be made available to the individual without cost.

(c) A fee reasonably related to cost may be charged for making a search of a system of records; provided, that such fee is consistent with 950 CMR 202.02(5) of the Freedom of Information Regulations promulgated by the Supervisor of Public Records (effective January 6, 1978).

(d) No charge will be made if the total fee under 101 CMR 8.01(6) would not exceed two dollars (\$2).

(7) Payment of Fees. Any fee due under 101 CMR 8.01(6) shall be paid in advance of the receipt of copies of personal data by check or money order made payable to the Commonwealth of Massachusetts and delivered to the responsible agency employee, but payment in cash, for which a receipt shall be given, shall be accepted where the total charge is five dollars (\$5) or less.

8.02: Meaning of Terms in This Chapter

(1) Meaning of Terms. As used in 101 CMR 8.00, unless the context otherwise requires, the following terms shall have the following meanings:

(2) Agency. "Agency" means the Executive Office of Human Services or any department, board, council or other body within the Executive Office of Human Services, as set out in M.G.L. c. 8A, s. 16.

(3) Data Subject. "Data subject" means an individual to whom personal data refers.

(4) Holder. "Holder", an agency which collects, uses, maintains or disseminates personal data or any person or entity which contracts or has an arrangement with an agency whereby it holds personal data as part or as a result of performing a governmental or public function or purpose. A holder which is not an agency is a holder only with respect to personal data so held under contract or arrangement with an agency.

(5) Holds. "Holds" means collects, maintains, or disseminates, whether manually, or electronically.

(6) Personal Data. "Personal data" means any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual; provided, however, that such information is not contained in a public record as defined in 101 CMR 8.02(9). "Personal data" shall not include intelligence information, evaluative information or criminal offender record information as defined in M.G.L. c. 8, s. 167.

(7) Personal Data System. "Personal data system" means a system of records containing personal data which system is organized such that the data are retrievable by use of the identity of the data subject.

(8) Personal Identifier. "Personal identifier" means any element of data which may be used to fix a person's identity either by itself or when combined with other data accessible to the holder of such data and which may include, but is not necessarily limited to: name, address, social security number, date of birth, race, zip code, mother's given name, mother's maiden name, or any part of the mother's given or maiden name.

8.02: contained

(9) Public Records. "Public records" means all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, unless such materials or data fall within the following exemptions in that they are:

- (a) Specifically or by necessary implication exempted from disclosure by statute;
- (b) Related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;
- (c) Personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.
- (d) Inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but 101 CMR 8.02(9)(d) shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;
- (e) Notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental units;
- (f) Investigatory materials necessarily compiled out the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;
- (g) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but 101 CMR 8.01(9)(g) shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit;
- (h) Proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids of proposals has expired in all other cases;
- (i) Appraisals of real property to be acquired until:
 - 1. An agreement is entered into;
 - 2. Three years have elapsed since the making of the appraisal, or until any litigation relative to such appraisal has been terminated, whichever occurs first.

8.03: Information Officers

- (1) Officer Designation. Each agency shall designate, for each personal data system it maintains, a person to serve as the responsible person under M.G.L. c. 66A, s. 2(a). A single employee may serve as the responsible person for more than one such system.
- (2) Duties and Responsibilities. The officer described in 101 CMR 8.03(1) shall, with respect to the system or systems for which he is immediately responsible:
 - (a) Ensure that the requirements of M.G.L. c. 66A and of 101 CMR 8.00 for preventing unauthorized access to personal data are followed;
 - (b) Receive complaints and objections; and
 - (c) Answer questions.

8.04: Administration of Personal Data

- (1) Agreements with Holders of Personal Data.
 - (a) No agency shall permit any person or entity to hold personal data as part of or as a result of performing, on behalf of such agency, a governmental or public function or purpose, unless:
 - 1. such agency has informed such person or entity that it is a holder of personal data, as defined by 101 CMR 8.02(4), and subject to the provisions of M.G.L. c. 66A, s. 2; and

8.04: continued

2. such person or entity has agreed to conform to the obligations of agencies set out in 101 CMR 8.04, 8.07, 8.08, 8.05, and 8.09(3) through 8.09(5).

(b) Any contract or agreement between an agency and a person or entity under which such person or entity will hold personal data as part of or as a result of performing a governmental or public function or purpose shall, by its terms, obligate such person or entity to conform to the obligations of agencies set out in 101 CMR 8.04, 8.07, 8.08, 8.05, and 8.09(3) through 8.09(5) and shall provide further that failure to so conform to such obligations shall be grounds for terminating such contract or agreement.

(c) An agency may, without the consent of the data subject, have access to personal data held pursuant to a contract or agreement with a person or entity under which such person or entity will hold personal data as part of or as a result of performing a governmental or public function or purpose; provided, that such contract or agreement shall provide for such access.

(2) Personnel Training. Each agency shall inform all of its employees who have responsibilities or functions for the design, development, operation, or maintenance of a personal data system or the use of personal data therein, of the provisions of 101 CMR 8.00 and of the civil remedies described in M.G.L. c. 214, s. 3B, available to individuals whose rights under M.G.L. c. 66A are allegedly violated, and shall use its best efforts to assure that such employees understand and comply with 101 CMR 8.00.

(3) Physical Security. Each agency shall take all reasonable steps for the protection of data from physical damage or unauthorized removal, including procedures, where feasible and appropriate, providing for:

- (a) Adequate fire detection and extinguishing systems;
- (b) Protection against water and smoke damage;
- (c) Watertight facilities;
- (d) Alarm systems, safes and locked files, window bars, security guards or any other devices reasonably expected to prevent loss through larceny or other means of unauthorized removal for manually held data, including files, tapes, cards and like materials; and,
- (e) Passwords, keys, badges, access logs, or other methods reasonably expected to prevent loss through larceny or other means of unauthorized removal for mechanically or electronically held data.

(4) Duplicate Files.

- (a) Each agency shall ensure that the number of duplicate files of personal data is maintained at an absolute minimum.
- (b) Each agency shall ensure that all duplicate file systems are maintained consistent with the requirements of these regulations.

(5) Notice and Annual Report to the Secretary of State. Each agency shall, by September 1, 1978, and annually thereafter, and upon the subsequent establishment, termination, or change in character of a personal data system, file a report with the Secretary of State regarding each personal data system it operates. Such reports shall be maintained by the agency as a public record. Such report shall include, but not necessarily be limited to the following information:

- (a) The name of the system and the title and address of the person in charge of it;
- (b) The nature and purpose of the system;
- (c) The identification of the types, categories, uses and sources of data held in the system;
- (d) The approximate number of individuals about whom data is held in the system;
- (e) Whether and to what extent the data is held in computerized form;
- (f) A description of each person and organization having access to the system;
- (g) A description of the policies and practices of the agency with regard to data maintenance, retention, and disposal;

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(h) A description of the manner in which any individual who believes that data about him is held in the system, may have a search made, and, if such data is so held, may inspect, copy, and object to it as provided in these regulations; and,

(i) A description of other actions taken to comply with 101 CMR 8.00 and Massachusetts Law, particularly M.G.L. c. 66A.

(6) Audit Trail. Each agency shall maintain as an audit trail records which show any access to or use of personal data the agency holds by persons or organizations outside of the agency. An agency need not record in the audit trail any such access or use by its employees acting within their official duties. In the case of personal data systems in which personal data is stored, in whole or in part, in a computer or in electronically controlled or accessible, files, the audit trail shall include a complete and accurate record of every disclosure of personal data, including the identity of all persons and organizations to whom such access or use has been granted and their declared intentions regarding the use of such personal data. In the case of all other personal data systems, the audit trail shall include such information to the maximum extent feasible. The audit trail shall be deemed part of the data to which it relates for all purposes under 101 CMR 8.00.

(7) Limitation on Collection of Personal Data. Each agency shall collect and maintain only those personal data which are reasonably necessary for the performance of its statutory functions.

(8) Destruction of Obsolete Personal Data. Pursuant to M.G.L. c. 30, s. 42, each agency shall develop and implement, with the approval of the Records Conservation Board, a plan for the destruction of obsolete data. As part of such implementation, each agency shall periodically review all personal data systems for the purpose of destroying obsolete personal data.

8.05: General Rules Regarding Access to Personal Data by Persons Other Than the Data Subject

(1) Regulation of Access to Personal Data. Except as provided in 101 CMR 8.05(2) no agency shall permit access to personal data to any person other than an employee of such agency or the data subject unless such access is authorized by state or federal statute or regulation consistent with the purposes of these regulations or is approved by the data subject whose personal data is sought.

(2) Accuracy of Released Personal Data. Where access to personal data is authorized pursuant to 101 CMR 8.05 and 8.06, with or without the approval of the data subject, an agency shall release such data in the most accurate form possible. If an agency has reason to believe that personal data may be inaccurate, it shall either verify such data prior to release or state at the time of such release that the data may be inaccurate.

(3) Exception for Medical or Psychiatric Emergencies. Where release of personal data is not generally authorized by statute or regulation, medical or psychiatric data may be made available to a physician treating a data subject, upon the request of said physician, if a medical or psychiatric emergency arises which precludes the data subject's giving approval for the release of such data; provided, however, that the agency shall give notice of the fact of such release to the data subject upon termination of the emergency.

(4) Approval by Data Subject. Unless otherwise prohibited by agency instructions, the approval of a data subject prior to granting access as required by 101 CMR 8.05(1) may be granted in writing or orally, including by telephone; provided, that the agency seeking such approval shall make reasonable efforts to verify the identity of the data subject; and, provided further, that the agency shall, if no written consent is given, make a notation of an oral approval and shall file such notation with the personal data held.

(5) Response to Compulsory Legal Process. Each agency shall, as required by M.G.L. c. 66A, s. 2(k), maintain procedures to ensure that no personal data are

8.05: continued

made available from its personal data systems in response to a demand for data made by means of compulsory legal process unless the data subject has been notified of such demand in reasonable time that he may seek to have the process quashed. To fulfill this requirement, the procedures of each agency shall include:

- (a) An explanation to agency personnel of the service of subpoenas under Rule 45 of the Rules of Civil Procedure (for civil litigation in state and federal courts), M.G.L. c. 233, s. 1-6 (for criminal litigation in state courts), Rule 17 of the Rules of Criminal Procedure for the United States District Courts (for criminal litigation in the federal courts) and M.G.L. c. 30A, s. 12 (for adjudicatory proceedings before state agencies);
- (b) A requirement that service of a subpoena which names an individual state officer or employee will be accepted on behalf of said officer or employee by any other individual only if such acceptance occurs at least three business days prior to and not including the day on which the attendance of said officer or employee is demanded;
- (c) Instructions to attempt in all cases to negotiate with the person causing the subpoena to be served with a view to avoiding the appearance or, if an appearance is necessary, narrowing the scope of the subpoena to those matters truly required; and
- (d) A requirement that the data subject be notified no later than the next business day following the day on which the subpoena is served.

8.06: Special Rules Governing Access to Public Documents

(1) Scope of This Section. Neither M.G.L. c. 66A nor 101 CMR 8.00 alter the requirement of the Freedom of Information Act, M.G.L. c. 66, s. 10, that agencies must grant access by members of the public to all public records. Since an agency's determination of whether or not to release a record will so often hinge on whether or not that record is a public record, 101 CMR 8.06 attempts to aid agencies in making such determinations.

Many types of records are excluded from the definition of "public record". One such exclusion applies to records the disclosure of which may constitute an invasion of personal privacy. The rules and examples set out in 101 CMR 8.06 are intended to aid agencies in identifying such invasions as part of the process of identifying public records.

(2) Access to Public Records. Pursuant to M.G.L. c. 66, s. 10, an agency shall grant access upon request, without the consent of the data subject, to any personal data which is a public record as defined in 101 CMR 8.02(9). Each agency shall establish a procedure for resolving questions within such agency regarding the identification of public records. Such procedure shall be consistent with AB 74-17, Regulations on Freedom of Information, promulgated by the Commissioner of Administration pursuant to M.G.L. c. 7, s. 3 and 4.

(3) Unwarranted Invasion of Personal Privacy: General Rule. If the disclosure of personal data may constitute an invasion of personal privacy, the personal data is not a public record. In general, disclosure of personal data may constitute an invasion of privacy when:

- (a) The personal data is not of common knowledge, not of public record, and not in public view;
- (b) Disclosure will more likely than not be embarrassing or offensive to the data subject; and
- (c) There is no legitimate public interest in disclosure sufficient to outweigh the potentially embarrassing or offensive nature of the disclosure.

(4) Invasion of Personal Privacy: Examples. In implementing 101 CMR 8.06(3), agencies shall consider the examples in the remainder of 101 CMR 8.06.

(5) Disclosures not Constituting an Invasion. Disclosure to the public of personal data in the following situations is not normally an invasion of privacy:

- (a) Disclosure of an unverified, citizen's complaint concerning the professional conduct of a health professional.

8.06: continued

(b) Disclosure of a license survey report which includes evaluative materials concerning the professional conduct of a health professional.

Explanation: 101 CMR 8.06(3)(a) and 8.06(3)(b) may be satisfied in examples (a) and (b) above. However, the public has a legitimate interest in learning of improper professional conduct which may affect the quality of health care provided to the public, and this public interest in disclosure will normally outweigh the potentially embarrassing nature of the disclosure. In order to disclose the personal data in the most accurate form possible, the agency should accompany the disclosure of an unverified complaint with an explanation that the complaint is unverified and, if an investigation is planned or in progress, the date by which such investigation will be completed.

(c) Disclosure of an intra-agency memorandum which concludes that an agency employee has performed his administrative duties improperly and such administrative duties affect the quality of services to the public.

Explanation: 101 CMR 8.06(3)(a) and 8.06(3)(b) may be satisfied. However, the public's legitimate interest in information relating to the quality of services of a public agency will normally outweigh the potentially embarrassing nature of the disclosure. An employment relationship between an employee and the agency will not normally preclude the agency from disclosure of this information.

(d) Disclosure of embarrassing information contained in an affidavit filed in court in connection with a law suit.

(e) Disclosure of embarrassing information which has recently been published in a local newspaper of general circulation.

Explanation: 101 CMR 8.06(3)(a) is not satisfied in 101 CMR 8.06(3)(b) and 8.06(3)(e) because the information in 101 CMR 8.06(3)(d) is a public record and the information in 101 CMR 8.06(3)(e) is common knowledge.

(6) Disclosure Constituting an Unwarranted Invasion. Disclosure to the public of personal data in the following situations is normally an invasion of personal privacy:

(a) Disclosure of information from the records of a client. Explanation: 101 CMR 8.06(3)(a), 8.06(3)(b) and 8.06(3)(c) are normally satisfied. Any legitimate public interest can be served by aggregating data in statistical form.

(b) Disclosure of the resume of or evaluative materials on an applicant for employment. Explanation: 101 CMR 8.06(3)(a), 8.06(3)(b) and 8.06(3)(c) are normally satisfied with regard to such information if disclosure is potentially embarrassing or offensive. However, in some situations, for example, where the applicant seeks a particularly high-level position and the information is relevant to the applicant's ability to carry out the responsibilities of this position, the legitimate public interest in disclosure may out-weigh the embarrassing nature of the disclosure, in which case disclosure may not constitute an unwarranted invasion of privacy.

(c) Disclosure of embarrassing information concerning the personal life of an employee where such information is marginally related to the ability of the employee to carry out the responsibilities of his position. Explanation: Normally, 101 CMR 8.06(3)(a), 8.06(3)(b), and 8.06(3)(c) are satisfied. In this example the public's legitimate interest in disclosure does not outweigh the embarrassing nature of the disclosure.

(7) Disclosure to Investigative Agents of the Attorney General or the State Ethics Commission. Any agency which is a holder of personal data may give access to that data to authorize investigative agents of the Attorney General or of the State Ethics Commission acting in furtherance of their official duties.

8.07: Access by Data Subjects

(1) Public Inquiry. Where an individual has reason to believe that personal data relating to him is held, but where the specific agency which holds such data is unknown to him, the individual may request, in writing, that the Secretary of Human Services or his designee locate all personal data held in personal data systems by agencies affected by 101 CMR 8.00. Said Secretary or his designee shall make a reasonable effort to locate all personal data. Said Secretary shall respond to such request within twenty (20) days.

8.07: continued

(2) Request of Individual for Notification of Holding. An agency shall inform any individual in writing, within twenty (20) days of receipt of a request, whether the agency maintains in a personal data system any personal data concerning such individual.

(3) Right of Data Subject to Access. Unless access by a data subject is prohibited by statute, an agency shall, as promptly as possible, but in any event within twenty (20) days of receipt of a request, grant access to any data subject to any personal data concerning him which it holds in a personal data system. In addition, such data subject shall have the right to inspect and to copy any personal data to which he has access, subject to any rules established under 101 CMR 8.01(6).

If a data subject is otherwise entitled to access to personal data pursuant to 101 CMR 8.00, no agency shall deny such data subject access to such data solely because such data are not public records as defined in 101 CMR 8.02(9).

(4) Release of Personal Data Pursuant to Request of Data Subject. As promptly as possible, but in any event within twenty (20) days of receipt of a request, an agency shall, if practicable, release personal data to a third party designated by a data subject, subject to any rules established under 101 CMR 8.01(6).

(5) Removal of Third Party Identifiers from Data Released to Data Subjects. An agency shall remove from any personal data to which access is granted pursuant to 101 CMR 8.07(3) or which is released by such agency pursuant to 101 CMR 8.07(4), any personal identifiers relating to a third person, except where such third person is an officer or employee of government acting as such and the data subject is not.

(6) Withholding Information Which is Under Investigation. An agency may deny access to a data subject to personal data which is at the time of the request for access the subject to an investigation if such access would probably so prejudice the possibility of effective law enforcement that such access would not be in the public interest; provided, that such denial of access shall not in any way affect a data subject's rights under administrative or judicial discovery procedures. Such access may be denied until such investigation has been completed and any resultant administrative or judicial proceeding commenced or one year from the commencement of such investigation, whichever is sooner.

(7) Notification of Denial of Access to Data. An agency shall, within twenty (20) days of receipt of a request, notify in writing any individual, in terms comprehensible to him, of its denial of his request for access, the reasons therefore, and the rights of appeal set forth in 101 CMR 8.09.

(8) Rights of Minors. Unless otherwise provided by law, rights and powers granted to a data subject under 101 CMR 8.00 shall apply:

- (a) exclusively to a data subject if he has attained the age of 18;
- (b) to both the data subject and his parents, parent or guardians or either one acting alone, if the data subject has attained the age of 14 but not the age of 18; and
- (c) exclusively to the data subject's parents, parent or guardian if the data subject has not yet attained the age of 14;

provided, however, that in any situation where in the reasonable judgement of the holding agency the interests of a parent or guardian are substantially adverse to those of a child about whom personal data are held, the agency may deny exercise of any right or power to such parent or guardian and effectuate alternative means for safeguarding the exercise of such right and power for, or on behalf of, such child.

Any parent or guardian denied pursuant to 101 CMR 8.07(8) the exercise of any right or power may appeal such denial under 101 CMR 8.09 of these regulations.

8.08: Objections

(1) Objections by Data Subjects. A data subject who objects to the collection, maintenance, dissemination, use, accuracy, completeness or type of personal data held regarding him, may file an objection with the officer in charge of the personal data system complained against pursuant to 101 CMR 8.03(1). Should said officer be unavailable, the data subject may make his objections to the head of the agency responsible for holding the data.

(2) Duties of Responsible Officer Pursuant to Objection. The officer responsible for a data system shall, within thirty (30) days of the receipt of an objection:

(a) Investigate the validity of the objection:

(b) If, after the investigation —

1. the objection is found to be meritorious, correct the contents of the data or the methods for holding or the use of such data; or,
2. the objection is found to lack merit, provide the data subject the opportunity to have a statement reflecting his views recorded and disseminated with the data in question; and

(c) Notify the data subject in writing of his decision and send a copy of such decision to the agency head or his designee.

8.09: Administrative Appeals

(1) Appeal of Agency Denial of Access or Decision of Responsible Officer. Any data subject who wishes to challenge either an agency denial, pursuant to 101 CMR 8.07(4), of his request for access or the decision of the officer in charge of a personal data system pursuant to 101 CMR 8.08(2), may appeal such denial or decision to the agency head under whose authority the personal data in question is held. Such appeal shall be filed in writing within thirty (30) days of the data subject's receipt of notification of the agency denial or the decision of the officer.

(2) Appeal to Agency Head. An agency head or his designee hearing an appeal filed pursuant to 101 CMR 8.09(1) shall, at the request of the appellant data subject, convene an adjudicatory hearing, pursuant to M.G.L. c. 30A, within thirty (30) days of the filing of such appeal, and shall render a decision on the merit within thirty (30) days of the conclusion of such hearing. Within seven (7) days of rendering his decision, the agency head or his designee shall send written notification to the appellant data subject and to the appellee responsible officer regarding the nature of the decision and the reasons therefor. If such decision is adverse to the data subject, such notification shall include notice, in terms comprehensible to the data subject, of the right of the data subject to further review pursuant to 101 CMR 8.09(3).

(3) Appeal to Executive Office of Human Services.

(a) Any data subject who wishes to challenge the decision of an agency head, rendered pursuant to 101 CMR 8.09(2), may appeal such decision to the Secretary of Human Services or his designee. Such appeal shall be filed in writing within thirty (30) days of the data subject's receipt of notification of the decision of the agency head.

(b) In hearing an appeal under 101 CMR 8.09(3), the Secretary or his designee shall limit his review to an interpretation of the relevant statutes and regulations and their application to the facts in each case being appealed. The Secretary or his designee shall not review, in any way, the decision of the agency head with regard to the factual issues in each case. The Secretary or his designee may, at his discretion, conduct a hearing, on terms and in a format which he deems appropriate, for the purpose of receiving arguments on issues which he deems pertinent to his review. The Secretary or his designee shall convene such hearing, if at all, within thirty (30) days of the filing of the appeal.

(c) The Secretary or his designee shall render a decision within thirty (30) days of the filing of the appeal or within thirty (30) days of the conclusion of the hearing, if any, whichever is later. The Secretary or his designee shall send written notification to the appellant data subject and to the appellee agency head of his decision and the reasons therefor.

8.09: continued

(d) A decision rendered pursuant to 101 CMR 8.09(3)(c) shall be the final and conclusive administrative determination of the issues in controversy in each case.

(4) Failure to Render A Decision. Any failure to render a decision at any stage of the appeal process within the time periods set out in 101 CMR 8.09(4) shall result in a decision favorable to the appellant data subject, except that the time periods may be extended by agreement between the data subject and the agency complained of.

(5) Judicial Relief. The procedure established by 101 CMR 8.09(3) shall constitute an additional remedy which may be employed or abandoned at any time in favor of the judicial remedy provided by M.G.L. c. 124, s. 3B. Agencies shall not interpose any defense of failure to exhaust administrative remedies in case of any civil action pursuant to said s. 3B for failure to use the 101 CMR 8.09(3) procedure.

8.10: Enforcement

(1) Sanctions.

(a) Agency employees. Any employee of an agency found breaching the confidentiality of data subject through violation of these regulations shall be subject to reprimand, suspension, dismissal, or other disciplinary actions by the employer agency consistent with the rules and regulations of the Commonwealth governing its employees, and may be denied future contact with personal data and removed from holding responsibility.

(b) Agencies. Any agency which violates the terms of 101 CMR 8.00 may be liable to individuals injured, pursuant to M.G.L. c. 214, s. 3B, as added by St. 1975, c. 778, s. 3, and the legal action to enjoin such violations brought by the Attorney General.

(c) Entities Other Than Agencies. Any entity other than an agency which violates a contract with an agency is subject to the penalty provisions of the contract and may forfeit the rights in contract with that of any other agency. If an action is brought against an agency under M.G.L. c. 214, s. 3B, for any violation for which any entity other than the defendant agency may be liable, said entity may be impleaded as a third-part defendant. Any entity other than an agency which violates any provision of 101 CMR 8.00 shall be subject to a review and an investigation by the appropriate contracting agency, which may lead to suspension of any contractual relationship and to legal sanctions brought by the Attorney General.

(2) Monitoring and Enforcement.

(a) The Secretary of Human Services, or his designee, shall be responsible for the monitoring of compliance with 101 CMR 8.00 in cooperation with the Department of the Attorney General pursuant to M.G.L. c. 214, s. 3B, as added by St. 1975, c. 778, s. 3.

(b) The Commissioner of Administration or his designee, pursuant to M.G.L. c. 66A, s. 3, as added by St. 1975, c. 778, s. 1, is responsible for approving 101 CMR 8.00.

REGULATORY AUTHORITY

101 CMR 8.00: M.G.L. c. 66A, s. 3.

Instructions for Completing the Intake Face Sheet

Completed for all cases. Information gathered during the initial interview, case activity, and at follow-up and closing will be recorded on this form.

Obtain the following information during Initial Interview.

Date	Record month/day/year of initial contact.
WKR	Write in name of Advocate handling case.
Case #	Record region and area code, family identification number and case identification number. Number assigned for specific service request.
Caller	Record name, address and telephone number of person making initial contact.
P/G	If caller is the parent or legal guardian write same. If not, write name of parent or legal guardian and circle "P" - parent, "G" - legal guardian.
Agency	If caller is a representative of an agency, enter agency's name.
FIPA Permission	Verbal: When permission is obtained, mark "X" before verbal and record month/day/year. Written: Record date mailed on left side and date returned on right side. Restric.: If restrictions have been placed on FIPA permission, mark "X" and record restriction in case rates.
Client	Write name, address and telephone number of the child or family needing service.
C or F	Circle "C" if child, or "F" if family.

# of Children	If family request, enter number of children in family under 18 years of age.
LANG	Enter primary language of family.
Birthdate	Record month/day/year child was born.
Sex	Write male or female.
Where Residing	Write in where child is living at the time the request is received.
Custody	Write who has legal custody at the time the request is received.
Service Request	Write in the type of service requested by the caller

The following information shall be recorded as it becomes known.

Protective	Record information of physical, sexual, emotional abuse or neglect of a child.
P. Status	Record whether abuse and neglect has been reported, investigated or substantiated, and by whom.
Cnt Inv.	Write in any court action concerning the child.
Runaway	Write in adoptive or pregnant minor here. Circle if runaway
SSI	Record if child is receiving, applying for, or appealing an SSI decision.
IKM	Record the request for funding and who made request, e.g. parent, DSS, Court. Record Advocates request for funding approval including month/day/year. Record regional funding decision and month/day/year of decision.
Escalation Data	Record date case is referred to the

Interagency Team

The following information shall be entered at the closing of the case.

Impairment	Enter Impairment. Write in none if no impairment exists or Undiagnosed if an impairment is believed to exist but has not been diagnosed. (Item 14) If two or more impairments are diagnosed enter both. Choose which is relevant to the request and list this first.
Where Residing	Enter where child is living at case closure.
Custody	Write who has legal custody at case closure.
Barriers	Write in the barrier(s) to service delivery:
Agency Responsible	Write in name of agency(ies) that should provide the service.
Agency Providing	Write in name of agency(ies) that is providing service. (This may not be the same agency(ies) identified as responsible.)
Final Disposition	Write in the data definition which appropriately explains why the case is closed.
Follow-up	Record date of follow-up action. Mark "X" in appropriate description.
Closing Date	Enter date month/day/year when all activity on case has ended.

OFFICE FOR CHILDREN

HELP FOR CHILDREN
REFERRAL & ADVOCACY

5) ID # _____

6) DATE _____

WKR _____

7) CALLER _____	8) AGENCY _____	FIPA PERMISSION
ADDRESS _____	TEL _____	_____ Verbal _____
		_____ Written _____
P / G _____		_____ Restrict. * _____

CLIENT

NAME _____	9) COR F _____	10) # CHLD _____
ADDRESS _____	TEL _____	11) LANG _____
4) _____	12) BIRTHDATE _____	14) IMPAIR- _____
		15) MENTS _____
22) WHERE _____	13) SEX _____	
23) RESIDING _____		
19) CUSTODY _____		
20) _____	16) PROTECTIVE _____	17) P. STATUS _____
21) CRT. INV. _____	18) RUNAWAY _____	24) SSI _____

25) SERVICE REQUESTED

29) BARRIERS

31) 1. _____
2. _____
3. _____

38) FINAL DISPOSITION

26) _____
28) AGENCY RESPONSIBLE

35) _____
37) AGENCY PROVIDING SERVICE

FOLLOW UP
DATE _____

SERV. RECD. _____

NOT RECD. _____

REQ. WITHDRAWN _____

IKM

34) \$ _____

33) DATES _____

SERV. CAT. _____

39) CLOSE DATE _____
OR
ESCALATION
DATE _____

Instructions for Completing Client/Family Profile

Complete on all cases during initial interview and update as more information becomes available.

This form should be used to record information on the child and/or family.

Date	Record month/day/year of initial interview.
Advocate	Enter name of HFC caseworker.
Case #	Record Region and Area Code, Family I.D. and Individual Case I.D. number.
Name	Write in Client's name.
Birthdate	Record month/day/year child was born.
Mother/Address	Write in name and address if different than caller's.
Home Phone	Enter if different than caller's.
Work Phone	Enter mother's work phone number if needed.
Father	Enter name and address if different than caller's or mother's.
Home Phone	Enter family telephone number if different than caller's or mother's
Work Phone	Enter father's work phone number if needed.
Guardian/Foster Parent	Enter name, address, if different than caller's. Circle appropriate relationship.
Court Involvement	Record date of court's decision. If no court involvement, leave blank.
Entitlement	Mark "X" next to all services received by the child or family. If none, leave blank.

Insurance/Benefits	Mark "X" next to category. If private insurance, write in name of provider.
Family Size	Record number of family members. Include parents and children under 18 years old.
Monthly Income Range	Mark "X" at appropriate income range for all Financial Aid, Basic Needs and IKM requests.
School Attending	Write in name of school child presently attends.
Grade	Enter current grade level.
Reg Education	Mark "X" if appropriate.
Special Education	Mark "X" if appropriate.
Prototype	Enter current prototype if child is in a special education program.
Meds	Medication taken by the child may be recorded here.
Prescribed By	Enter doctor's name.
Date	Enter month/day/year medications were prescribed

CLIENT/FAMILY PROFILE

DATE _____

CLIENT'S NAME _____

ADVOCATE _____

CASE I.D.# _____

CHILD'S AGE _____

MOTHER _____

FATHER _____

ADDRESS _____

ADDRESS _____

TELEPHONE # HOME _____ WORK _____

HOME _____ WORK _____

NAME _____

ADDRESS _____

GUARDIAN/FOSTER PARENT

TELEPHONE# HOME _____ WORK _____

COURT INVOLMENT

DSS CHINS _____

DSS VOLUNTARY _____

PROBATION _____

DSS C & P _____

DSS 210 _____

BOUND OVER _____

DSS OTHER _____

DSS PROBATE _____

DMH COMMITTED _____

DSS TEMPORARY _____

DYS INVOLVED _____

DMH VOLUNTARY _____

OTHER _____

ENTITLEMENTS

A.F.D.C. _____

GR _____

UNEMPL. COMP. _____

FOOD STAMPS _____

S.S.I. _____

WORKERS COMP. _____

FUEL ASST. _____

SOC.SEC. _____

OTHER _____

W.I.C. _____

VETS. _____

INSURANCE/BENEFITS

HEALTHY START _____

MEDICAID _____

PRIVATE _____

CHAMPUS _____

NONE _____

OTHER _____

MONTHLY INCOME RANGE

FAMILY SIZE
OF CHILDREN _____

LESS THAN \$500 _____

\$2000 - \$2500 _____

\$500 - \$1000 _____

\$2500 - \$3000 _____

\$1500 - \$2000 _____

OVER \$3000 _____

OTHER INFORMATION

SCHOOL ATTENDING _____ GRADE _____

REG. ED. _____ SPECIAL ED. _____ PROTOTYPE _____

DS: _____ PRESCRIBED BY: _____ DATE: _____

Instructions for Completing Case Note Sheet

The Advocate will record information directly on the Case Note Sheet during the initial interview. These notes are a permanent part of the case record.

Case #	Enter Case Identification number for specific service request.
Date/Caller/Contact	Record month/day/year of each telephone conversation, who you spoke with and agency they represent on their relationship to client. Record month/day/year of each meeting. If with an individual, enter name and agency or relationship. Name(s) of those attending meetings should be included in the case notes summary along with purpose, content and results.

The Advocate will enter on the Case Note Sheet information gathered through:

- o phone conversations - initiated by Advocate and received
- o personal contacts - casual or scheduled discussions
- o meetings

If a case is referred to the Regional Interagency Team, all dates and decisions should be recorded on the Case Note Sheet.

CASE NOTE SHEET

CASE I.D.# _____

DATE/CALLER/CONTACTS

[illegible]

Instructions for Completing Assessment Sheet

The Advocate will complete the Assessment sheet when all information has been gathered but no later than thirty (30) days after the request is received.

Date	Enter month/day/year when assessment was completed. This will <u>not</u> be the same date as the initial intake.
Advocate	Enter name of Advocate handling the case.
Client I.D.#	This is the case number assigned at the time the case is open. It includes Region and Area Code, Family Identification Number and Case Identification Number.
Client Name	Enter child or family's complete name.
Summary of Problem	Write a brief description of the client, the client's need, and reason for service need.
Service Need	Writes a brief description of your assessment of the service need. (This may not be the same as the service requested).
Barriers To Service	Write a brief description of the barrier to service delivery.
Plan of Action	Describe both short and long term goals, and timelines for meeting each goal. Identify tasks and assigned responsibilities for reaching goals. Write in month/day/year that parent/child/representatives agreed to plan.

ASSESSMENT SHEET

DATE _____

CLIENT'S

NAME _____

ADVOCATE _____

CASE I.D.# _____

SUMMARY OF PROBLEM

SERVICE NEED (S)

BARRIER (S) TO SERVICE

PLAN OF ACTION

Instructions for Completing 60 Day Review Sheet

The Advocate must complete for all requests open 60 days or more.

Date Completed	Write month/day/year Case Review occurs.
Advocate	Write name of Advocate handling the case
Service Request	Write Service Request being reviewed
Case ID#	Write the case identification number for the request being reviewed. This will include the region and area code, the family identification number and the identification number for the client named and the sequential number of the request being reviewed.
Client's Name	Write the name of the child or family for the service request being reviewed.
Date Opened	Date service request was opened.
Case Summary	Write a brief summary of the case status. What goals have been met. What needs to be done. Identify problem(s) in reaching either short or long term goals.
Advocate Decision	Write recommendation for action to be taken; how, why, and by whom.
Supervisory Note	The HFC Program Manager shall, read and discuss the case summary and Advocates decision. The HFC Program Manager shall record approval, disapproval or modifications to the decision.
Supervision's Initials	The HFC Program Manager will write his/her initials signifying that she/he has reviewed the case.

Date

Write the month/day/year that the
HFC Program Manager has reviewed
the case/request.

CASE REVIEW SHEET

DATE OPEN _____

CASE I.D.# _____

DATE COMPLETED _____

CLIENT'S NAME _____

ADVOCATE _____

SERVICE REQUEST _____

CASE SUMMARY

ADVOCATE DECISION/OUTCOME

(PROCEED WITH PLAN OF ACTION, AMEND A PLAN OF ACTION, ESCALATE RIT.)

SUPERVISORY NOTE

SUPERVISOR'S INITIALS _____

DATE _____

Instructions for Completing the Contact List

The Advocate will list information regarding individuals who have contacted the office or been contacted on the case. Complete this form on all cases.

Case #	Write the region and area code, family identification number and the case identification number for the service request these people were involved with.
Name	Write the name of the person with whom contact was made.
Phone #	Write the area code, telephone number and extension for the person listed.
Agency/Relationship	Write the agency the person represents or their relationship to the case.
Address	Write the street name and number, the city or town and zipcode of the individual.

CONTACT LIST

[illegible]

Instructions for Completing the Audit Trail

Upon receiving a request for access to the case record, the Advocate will place an Audit Trail form in the case record. The Advocate will record the following information.

Case #	Enter the region and area code number, the family identification number, and the case identification number for the child or family the information is being requested on.
Name	Write the name of the person making the request.
Agency/Relationship	Write the name of the agency the person represents or their relationships to the client.
Address	Write the Address of the person making the request.
Phone	Write the telephone number of the person, including area code and extension number.
Date of Request	Write month/day/year the request was received.
Date of Release	Write the month/day/year that access to the case record material is granted.
Reason for Request	Write the purpose for which the person is requesting access to the case record.

AUDIT TRAIL

(RELEASE OF INFORMATION LOG OF CASE RECORDS)

[illegible]

Commonwealth of Massachusetts
Office for Children
I.K.M. Utilization Form

Date _____

Contract # _____

Advocate _____

Assigned by _____

Area _____

Case # _____

Vendor Code _____

Contact Person _____

Vendor _____

Phone # _____

Address _____

Zip Code _____

of day care, D/C License # _____

Vendor done business with the state in the
last 18 months yes _____ no _____

Child/Family _____

Age _____ Phone # _____

Address _____

Zip Code _____

Parent _____

Address _____

Zip Code _____ Phone # _____

Contracted Service: 07 _____ 03 _____

Service type _____

Service description _____

Regulation # _____

Rate Filing # _____

Address where service provided _____

Service dates _____ thru _____ x _____ = _____
Quantity Rate Total Cost

Does Vendor have a rate set by the Rate Setting Commission? Yes _____ No _____

Non-Contracted Service (Good): 07 _____ Type _____

Cost: _____ Clients Utility Account # _____

Barrier to Service _____

Funding request made by _____

Resources contacted for provision of needed service:

AGENCY

CONTACT PERSON/PHONE

REASON FOR SERVICE DENIAL

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Contributions to service for another source _____

VERBAL PERMISSION FOR RELEASE OF INFORMATION OBTAINED AND REQUESTED IN WRITING:

Date of Advocate's Request: _____

Date Approved: _____ HFC Supervisor _____

Date Approved: _____ Regional Director _____

CHECK LIST FOR PREPARATION OF REGIONAL TEAM CASES

- 1. Team Release, signed by the identified legal guardian
- 2. Case Summary including:
 - description of the child
 - description of the child's need(s) (including medical, clinical, and psychological)
 - description of services presently being received by the child (including how services are being provided, by whom, name(s) of contact person for agency(ies) providing service(s))
 - present residence of the child
 - placement history
 - identification of all resources, entitlements and placements applied for and reason(s) for denial
 - request to the Team
- 3. Individualized Educational Plan (IEP) and assessments on which it is based
- 4. Evaluations and Assessments (completed within the last six (6) months) and previous assessments if relevant
- 5. Individual Service Plan(s) of agency or agencies involved
- 6. Discharge Summary for any recent hospitalization or placement
- 7. Copies of Court Orders or hearing decisions and the date (if relevant)

INTERAGENCY TEAM PROCEDURES

March 1984

Children's Interagency Teams (IT's) have existed in Massachusetts since 1972. These procedures reflect the structure officially established pursuant to a directive of the Secretary of Human Services in 1975. The intent is to coordinate services and to insure that services are provided to children who "fall between the cracks" of various agency services.

Cases before the IT's are cases which cannot be resolved at the local level because of the inability or unwillingness on the part of an agency to accept responsibility for a particular case. After the local Office for Children advocate exhausts all potential resources and avenues for resolution, cases are referred to Regional IT's. These Teams consist of representatives at the regional level of EOHS agencies as well as the Department of Education and are chaired by the Office for Children. If resources cannot be gathered and resolution of a case not be achieved at the regional level, cases are escalated to a similarly constituted team at the central level.

IT's originally operated according to rules promulgated by EOHS and supported by interagency agreements. The procedures were previously revised and promulgated in 1982.

In July, 1983, the Legislature amended M.G.L. Chapter 28A by adding a new section 6A (Ch. 288 of the Acts of 1983). This law gives statutory authority to the IT process and requires the Director of the Office for Children to convene and chair inter-agency children's services teams. The purpose of the teams is to determine "which agency shall provide or contract for appropriate services to a child in cases where disputes arise among agencies over the delivery of services to a child or when such services are not being provided to a child."

Under the auspices of the Office for Children representatives of EOHS, DSS, DPH and OFC have been reviewing and revising the existing IT procedures for conformity to the new statute and to insure that they facilitate the resolution of difficult cases in a prompt manner. Attached is the final draft of the revised procedures.

The Procedures Committee

Polly Halfkenny, OFC
Charles Sullivan, OFC
Thomas Lebach, OFC

David Nastasia, DSS
Kathy Messenger, DPH
Mary Dailey, OFC

Procedures Governing the Children's Interagency Teams

The Director of the Office for Children establishes policies and procedures which govern the operation of the Interagency Teams.

The Director of the Office shall at least annually review the effectiveness of the Interagency Team process and consult with representative agency Commissioners and the Executive Office of Human Services on his/her findings.

Team meetings are not adjudicatory hearings as defined in M.G.L. Ch. 30A. They are a forum to resolve interagency disputes when such exist and to bring together appropriate agencies to ensure delivery of an effective, appropriate service to a child when this is not occurring. Rules of evidence shall not apply. Meetings of Teams shall not be considered open meetings due to the nature of the information discussed.

Contents

- 100. Definitions
- 101. Access to the Interagency Team
- 102. Area Preparation of Case for IT Review

- 200. Establishment of Regional Interagency Teams
- 201. Functions of Regional Interagency Teams (R.I.T.)
- 202. The Role of the Regional Interagency Team Members
- 203. Regional Interagency Team Process
- 204. The Role of the R.I.T. Chairperson
- 205. The Role of the HFC Supervisor
- 206. The Role of the HFC Advocate

- 300. Preparation of Case for Presentation to the Central Interagency Team (C.I.T.)

- 400. Establishment of the Central Interagency Team (C.I.T.)
- 401. Functions of the C.I.T.
- 402. Role of the C.I.T. Members
- 403. C.I.T. Process
- 404. Role of the C.I.T. Chairperson
- 405. The Role of the OFC Director

- 500. EOHS Review and Action on Escalated Cases
- 501. Grounds for Review
- 502. Documentation
- 503. Standard of Review
- 504. Procedure for Review

100.0 Definitions

As used in these procedures, the following words shall have the following meanings:

- (1) "Action" - specific steps to be taken by designated team members subsequent to the presentation or review of a particular case.
- (2) "Agency" - any department, office, commission, board, institution, or other agency of the Commonwealth or any political subdivision thereof.
- (3) "Agency Sign Off" - agency response to a directive from the Regional Interagency Team indicating the agency's ability to comply or stating the specific barrier to providing the designated service.
- (4) "Appropriate Agencies" - agencies which provide services relevant to a particular child's needs.
- (5) "Area" - a local, geographic subdivision of the State.
- (6) "Case" - a particular service request.
- (7) "Central" - the chief executive level of an agency.
- (8) "Child" - person under the age of eighteen, or under the age of twenty-two if such person is disabled or has special needs. "Disabled" - has a physical or mental impairment which substantially limits one or more major life activities. "Special needs" - permanent or temporary disability arising from intellectual, sensory, emotional, physical, environmental factors, cerebral dysfunctions, perceptual factors, or other specific learning impairment, or any combination thereof inhibiting a child from achieving his or her full potential.
- (9) "Days" - calendar days.
- (10) "Decision" - final determination of the Interagency Team regarding the agency or agencies responsible for the provision of the general type of service to a particular child.
- (11) "Designated agency" - agency assigned responsibility and directed to provide service to a child whether by a majority of the Interagency team or by the Chairperson in the absence of a majority decision.

- (12) "Dispute" - disagreement among agencies as to the needs of a particular child, the services available to that child, or the agency responsible for delivering a service to a child.
- (13) "Duly empowered" - designated by the commissioner as having the decision making authority of the agency in cases before the team.
- (14) "Emergency" - posing an immediate and substantial danger of significant harm to oneself or others.
- (15) "Evidence" - reports, assessments, or other documentation of a specific child's need for service and the attempts to obtain that service.
- (16) "Escalation" - movement of a case from a lower to a higher level, e.g. from an area to a region or from a region to a central level.
- (17) "Individual Service Plan" - that which is developed by a particular agency according to the agency's procedure.
- (18) "Majority" - more than 50% of those present.
- (19) "Parent/child/representative" - parent or legal guardian, child over age fourteen, and any individual authorized to represent a particular child.
- (20) "Quorum" - three Team Members in addition to the Chair.
- (21) "Referring agent" - person referring a child to the Interagency Team through the area Office for Children Advocate.
- (22) "Regional" - seven substate divisions within the Office for Children.
- (23) "Resolved" - case in which requested service is being provided.
- (24) "Service" - individual or programmatic assistance to a child.
- (25) "Service Implementation Plan" - specific written plan developed by the regional IT's designating appropriate agencies to provide a particular service to a child.

- (26) "Testimony" - verbal presentation of a specific child's need for service and attempts to obtain that service.

101.0 Access to the Interagency Team

For access to the Interagency Team (IT) when disputes arise among agencies over the delivery of services to a child or when services are not being provided to a child, a parent, child over age fourteen, or agency must contact the area Advocate within the Office for Children (OFC) Help for Children (HFC) program.

- 101.1 When the area Advocate determines that an individual child has a need for service that cannot be met at the area level, the Advocate will refer the case to the HFC Supervisor within one week. The HFC Supervisor in consultation with the Advocate will determine whether the case is appropriate for Team and will refer the case to the Regional Interagency Team within one week. The Advocate or Supervisor may consult with other team members to seek a resolution without presentation. The Advocate determines within 60 days whether the case can be resolved at the area level. Nothing prohibits immediate referral by the HFC Supervisor to the Regional IT in consultation with the Advocate in emergency cases.
- 101.2 In emergency cases, the Advocate will consult with the Help for Children Supervisor and/or Regional Director within three days of receipt of the case. If no resolution can be achieved without a presentation to the team, the supervisor will schedule the case for the next meeting of the IT or call a special meeting if delay will result in significant risk to the safety of the child.
- 101.3 If the HFC Advocate, in consultation with the HFC Supervisor, determines that an individual child's need for service cannot be substantiated or that a substantiated need for service can be met at the area level, the Advocate will notify the referring agent and parent/child/representative in writing that the case will not be referred to the IT with the reasons therefore. The notice will be mailed within seven days of the determination. If requested, within 14 days of the date of the aforementioned notice, the parent/child/representative and referring agent may request a review of the Advocate's determination by the Regional Director whose decision shall be final. The notice shall include information as to the procedure for this review.

102.0 Area Preparation of Case for IT Review

- 102.1 If the determination is made that a case will be presented to the IT, the following steps will be taken:
- 102.1(a) The Advocate explains the IT process to the parent, child, or agency with custody verbally and in writing.
 - 102.1(b) Except in emergencies, the case will be scheduled for the next available IT team meeting.
 - 102.1(c) The release of information form is signed by the parent or legal guardian, agency with legal custody, or the child over age eighteen. A copy must be maintained in the area files.
 - 102.1(c)(i) Children over age fourteen may sign the release of information form.
 - 102.1(c)(ii) Direct agency referrals to the area Advocate must include a written notification to the legal guardian, agency with legal custody, or child over age eighteen of the referral and signed release of information form.
 - 102.1(c)(iii) An Advocate may refer a case to the IT without a signed release when there is an allegation that a child is without necessary services due to abuse or neglect. Area preparation in these cases will include verification that a 51A has been properly filed and that DSS has completed an investigation and/or screening.
 - 102.1(d) The Advocate notifies all appropriate agencies that a referral is being made to the IT.
 - 102.1(e) The Advocate solicits evidence for case presentation. This will include:
 - 102.1(e)(i) Clear statement of service request.
 - 102.1(e)(ii) Evidence and documentation of a thorough exploration of area resources and entitlements.

102.1(e)(iii) Documentation of all efforts made to coordinate information sharing, communication and service planning between agencies or agency personnel relevant to the individual case, and area case conferences whenever possible.

102.1(e)(iv) Collection of pertinent case materials (e.g. professional assessments, educational plan, service plan).

102.1(f) At least one week prior to the presentation of a case to the IT, the Advocate notifies in writing the parent/child/representative and appropriate agencies, including the local education agency that the case has been scheduled and that they have a right to present testimony and evidence either directly or indirectly. In emergency cases, the process in 101.2 will be followed; notices may be given orally.

102.1(g) If the child is in the temporary custody of an agency, both the parent and the agency will receive notification as well as all other appropriate agencies.

102.1(h) When requested, agencies shall provide all information deemed necessary by the Advocate for presentation of a case to the IT.

200.0 Establishment of Regional Interagency Teams

Regional Interagency Teams are composed of the regional administrator, chief executive officer or his/her designee of DPH, DSS, DMH, DYS, DOE, DPW, MRC, MCB and such other agencies as the OFC Regional Director seems necessary to ensure appropriate services for a particular child.

These Regional Interagency Teams shall determine which agency shall accept responsibility to provide or contract for services to a child.

201.0 Functions of Regional Interagency Teams (R.I.T.)

201.1 The R.I.T. performs case review and administrative advocacy at the regional level with relevant agencies on cases for which appropriate services either cannot be found or provided at the area level.

- 201.2 The R.I.T. obtains pertinent documents, assessments, or other information as needed to clarify agency responsibility. If certain documentation is necessary for case resolution but is not available, the R.I.T. will direct the appropriate agency to develop same or request an independent evaluation.
- 201.3 The R.I.T. reviews agency service plans, the individualized educational plan, and a request for service submitted for individual Regional Team cases. Each request must consist of:
- 201.3(a) A statement of the service/clinical needs of the child (and family if appropriate) substantiated by the appropriate qualified agency(ies) or evaluators;
 - 201.3(b) A statement of the source and manner of implementation.
 - 201.3(c) Agency service plans and educational plans are not altered by the R.I.T., however the parent and agency may agree to do so as a result of the R.I.T. meeting.
- 201.4 The R.I.T. identifies resources needed to implement services for individual cases.
- 201.5 The R.I.T. designates agency(ies) responsible for planning and developing a coordinated individual service plan when this is needed.
- 201.6 The R.I.T. assigns agencies fiscal and/or case management responsibility and directs agencies to accept responsibility for cases and to provide or to contract for the identified services.
- 201.7 The R.I.T. develops a Service Implementation Plan specifying the responsible agency (agencies) and the service to be provided.
- 201.8 The R.I.T. monitors the provision of services of resolved cases at the Regional Team for at least thirty days prior to which time the case will be reviewed for consistent implementation of the child's service plan.
- 201.9 The R.I.T. determines as soon as possible if the case cannot be resolved through the Regional Team, but in no case shall this determination be made later than 60 days from the time of presentation to the R.I.T. whereupon:

- 201.9(a) Each agency assigned responsibility on the Implementation Plan responds in writing no later than the next R.I.T. meeting (through the Agency Sign Off form) whether or not the assigned service can be provided;

The Agency Sign Off form must be signed off by the appropriate agency chief regional executive on the capability of that agency to provide the service specified in the Implementation Plan.

- 201.9(b) The case is referred to the Central Interagency Team within fifteen days from the date it is determined that the case cannot be resolved at the Regional Team level. Failure of a designated agency to respond by means of the Agency Sign Off will not bar escalation.

- 201.9(c) Nothing in these guidelines prohibits the OFC Regional Director from escalating a case to the Central Team prior to the 60 day period.

- 201.10 Cases in an appeal process should be held open by the Regional Interagency Team until the results of the appeal are known.

- 201.10(a) The R.I.T. may assign interim responsibility for funding and case management decisions pending a 766 special education appeal or a fair hearing.

- 201.10(b) The R.I.T. is separate from the human services agencies and special education appeal processes and should not be used to assist the other processes in decision making.

202.0 The Role of the Regional Interagency Team Members

- 202.1 Regional Team members shall be duly empowered representatives appointed by the Commissioners of their respective agencies who are knowledgeable of their agency's legal mandates, policies, procedures and resources.
- 202.2 Regional Team members shall consider cases under review by the Regional Team as the highest priority within their region.
- 202.3 Regional Team members shall have direct access to the administrative and service decision makers within their respective regions or service areas.

202.4 Regional Team members shall be authorized to make decisions on behalf of the agency that the member represents regarding the individual cases at Regional Team meetings. Regional administrators and agency heads are expected to support the decision making responsibility of their representatives to the R.I.T.

202.5 The Regional Team members shall explore all available service options at the regional level prior to recommending escalation to the Central Team. Regional Team members are responsible for assuring appropriate information sharing, case updating, and progress on cases before Team that involve their agencies.

202.6 The Regional Team shall assume a supportive role to the Central Team on cases that have been escalated. The supportive function includes cooperative strategizing, information sharing and case updating.

202.6(a) Each Regional Interagency Team member shall communicate with his/her Central Team counterpart on escalated cases.

202.6(b) The Regional Team shifts the lead responsibility to the Central Team upon escalation.

202.7 Regional Team members shall arrange for substitute representation whenever they will be unavailable or absent from meetings.

202.8 The Regional Team shall convene no less than on a bi-weekly basis.

203.0 Regional Interagency Team Process

203.1 The OFC Regional Director is the chairperson of the Regional Team. He/she arranges for a replacement whenever unavailable or absent from meetings.

203.2 A written agenda will be available to all Regional Interagency Team members either at or before the Regional Interagency Team regularly scheduled meetings.

203.2(a) Copies of each agenda should be kept on file at the OFC Regional Office;

- 203.2(b) Regional Interagency Team members will be advised prior to the meeting of the agenda items. This may occur through prior phone calls, mailing, or determination of the agenda at the previous meeting.
- 203.2(c) The OFC Regional Director may present cases without notification which he/she feels are of an emergency nature.
- 203.3 Written minutes shall be taken at every Regional Interagency Team meeting. Regional Interagency Team minutes should be reviewed by the R.I.T. members for accuracy prior to entry into the permanent file.
 - 203.3(a) Minutes will reflect member attendance as well as the presence of additional persons who may be attending.
 - 203.3(b) Minutes will list evidence presented to the R.I.T.
 - 203.3(c) Minutes will record any votes at the Team meeting as well as final case decisions.
 - 203.3(d) Minutes must be maintained in a permanent file within the regional office of Office for Children.
 - 203.3(e) A copy of the Regional Interagency Team minutes pertaining to Central Team cases should be forwarded to the Central Team.
 - 203.3(f) The particular HFC Advocate for a child will receive R.I.T. minutes pertaining to that child.
- 203.4 The Regional Interagency Team will provide an opportunity to receive testimony and evidence from the child, the family of the child, representatives of the child or the family, or the representative from appropriate agencies.
 - 203.4(a) Evidence may take the form of oral presentation at the Team and/or written testimony.
 - 203.4(b) The R.I.T. will allow a reasonable period of time for each presentation and consider all such evidence presented prior to making their decision.

- 203.4(c) Parent/child/representative at the Team meeting will receive written notification of the Team's action on the case within seven (7) days of the initial presentation to the Team including information on additional Team meetings at which the case will be discussed.
- 203.5 Each OFC regional office must maintain a written ongoing log of all cases referred to the Regional Interagency Team.
- 203.6 Case materials of Regional Interagency Team cases must be maintained in the Regional Office.
 - 203.6(a) Individual case files will be maintained by the Help for Children Supervisor.
 - 203.6(b) Decisions of the Team should be documented in the individual case record and distributed to parent/child/representative and other appropriate parties. Copies of Team decisions will be distributed to agencies through their Team members.
 - 203.6(c) The case summary form shall be the Case Summary form required for escalation to the Central Interagency Team with all information available at the time of escalation to the R.I.T. completed.
- 204.0 The Role of the R.I.T. Chairperson
- 204.1 The OFC Regional Director is the chair of the Regional Interagency Team.
- 204.2 The chair of the Regional Interagency Team shall:
 - 204.2(a) assign agency responsibility for service delivery and case management at the regional level if a decision by the majority of Team members cannot be reached;
 - 204.2(b) escalate all cases which cannot be resolved at the regional level to the Central Interagency Team.
- 204.3 The chair of the Regional Team is responsible for assuring:
 - 204.3(a) that a quorum is present for Regional Team meetings;

- 204.3(b) that agency assignments are within the jurisdiction of the designated agency;
- 204.3(c) that determination of service need is based on professional evaluations and input;
- 204.3(d) that a Service Implementation Plan is developed in conjunction with Team members;
- 204.3(e) that agency sign-offs on cases where services cannot be implemented at the Regional level are secured from the chief Regional Administrators of the designated responsible agencies;
- 204.3(f) that a Release of Information from the legal guardian or child (18 years and older) is in the case material package prior to presentation to the Regional Team;
- 204.3(g) that cases to be escalated to the Central Interagency Team are escalated within 15 days of the date the decision to escalate was made;
- 204.3(h) that confidentiality of all cases is respected.

205.0 The Role of the HFC Supervisor

205.1 The HFC Supervisor has the responsibility to:

- 205.1(a) assure that all efforts to resolve the case have been made at the area level;
- 205.1(b) act as staff person to the Regional Team under the direction of the Regional Director;
- 205.1(c) maintain communication around individual cases that are before the Regional or Central Teams with the Area Advocate involved;
- 205.1(d) maintain communication and act as liaison/coordinator for individual cases that are before Central Team with the Central Team staff;
- 205.1(e) ensure that all materials pertinent to the case are made available to the Regional Team prior to agency assignment;

- 205.1(f) ensure that cases escalated to the Central Interagency Team utilize the format designated by the Central HFC Unit and contain complete documentation pertinent to the case.
- 205.2 The HFC Supervisor shall immediately notify Central Team staff if area or regional activity on a case before the Central Team has occurred or is about to occur.
- 206.0 The Role of the HFC Advocate
- 206.1 The HFC Advocate has the responsibility on cases that have been escalated to the Regional or Central Team to maintain contact with parent/child/representative and other appropriate parties for the purpose of:
 - 206.1(a) assuring that information on the status of the child is up-to-date at all times;
 - 206.1(b) supporting and aiding the implementation of Regional or Central Team decisions.
- 206.2 The HFC Advocate shall make the presentation to the Regional or Central Team unless an exception is made by the HFC Supervisor.
- 300.0 Preparation of Case for Presentation to the Central Interagency Team (C.I.T.)
- 300.1 The C.I.T. Manager shall review all cases escalated to the C.I.T.
 - 300.1(a) Cases will be reviewed for completeness of written documentation. The case will not be presented to the Central Team unless sufficient information is submitted from the R.I.T.
 - 300.1(b) Clarification of questions concerning a Regional Interagency Team service request will be resolved through consultation with the Regional Team and/or Regional Interagency Team Chairperson.
 - 300.1(c) Cases will be reviewed for determination if the most expedient resolution can be obtained through direct Office for Children intervention. The relevant C.I.T. member(s) shall be informed of such cases.

300.2 The C.I.T. Manager will distribute case material at least one week prior to the regularly scheduled C.I.T. meeting.

300.2(a) Cases will be scheduled for formal review and action by the C.I.T. at the next regularly scheduled meeting.

300.2(b) Exception will be made for emergency cases where a delay in action would result in harm to the child.

300.2(b)(i) Regional Interagency Team chairs should contact the C.I.T. Manager prior to submission of case materials for emergency C.I.T. review.

300.2(b)(ii) Emergency C.I.T. meetings may be called by the C.I.T. chair if necessary to review emergency cases.

400.0 Establishment of the Central Interagency Team (C.I.T.)

The Central Interagency Team is composed of the commissioner or chief executive officer, or his/her designee, of the following agencies: DPH, DSS, DMH, DYS, DOE, DPW, MRC, MCB, or any other agency as deemed necessary by the Director to ensure delivery of appropriate and needed services to a child. The Central Interagency Team shall direct agencies to accept responsibility for cases and to provide or to contract for the identified service.

401.0 Functions of the Central Interagency Team (C.I.T.)

401.1 The C.I.T. performs case review and advocacy at the central level with relevant agencies on individual cases for which services either cannot be found or provided at the area or regional levels.

401.2 The C.I.T. shall address only the specific service request of the Regional Interagency Team on each case.

401.3 The C.I.T. identifies whether or not resources needed to implement services for individual cases currently exist within the public or private sectors.

401.4 The C.I.T. identifies whether or not the resources needed to implement services for individual cases can be developed from current existing resources.

401.5 The C.I.T. determines within 60 days if the case cannot be resolved through the C.I.T.

402.0 Role of Central Interagency Team Members

402.1 C.I.T. members are responsible to familiarize themselves with case material disseminated at C.I.T. meetings.

402.1(a) C.I.T. members should initiate in-house information gathering on cases that involve their agency prior to the C.I.T.'s first review of the case.

402.1(b) C.I.T. members should communicate with their regional team and/or area counterparts on relevant C.I.T. cases and issues. If the C.I.T. member is not the commissioner, he/she will communicate with the commissioner as needed.

402.2 C.I.T. members should arrange for substitute representation and notify a C.I.T. Manager whenever absence from C.I.T. meetings is unavoidable.

402.3 The C.I.T. shall meet at least on a bi-weekly basis.

403.0 Central Interagency Team Process

403.1 The Director of the Office for Children (or designee) is the chairperson of the Central Interagency Team.

403.2 A written agenda shall be available to all C.I.T. members either at or before the regularly scheduled C.I.T. meetings.

403.2(a) Copies of agenda will be kept on file at the Office for Children Central Office;

403.2(b) C.I.T. members shall be advised of the next meeting's agenda prior to the meeting.

403.3 The C.I.T. must provide an opportunity to receive testimony and evidence from the child, the family of the child, representatives of the child, and the representatives from appropriate agencies.

403.3(a) Parent/child/representative and appropriate agencies are notified in writing by the Central Team Manager one week prior to the presentation of a case to the C.I.T.

- 403.3(b) If the child is in the temporary custody of an agency, both the parent and the agency will receive notification.
- 403.3(c) Evidence may take the form of oral presentation at the Team and/or written testimony.
- 403.3(d) The C.I.T. will allow a reasonable period of time for each presentation and consider all such evidence presented prior to making their decision.
- 403.3(e) Parent/child/representative will receive notification of the Team's action on the case within seven (7) days of the initial presentation to the Team including information on additional Team meetings at which the case will be discussed.
- 403.4 The C.I.T. decision will be documented in the case record and issued to the child if he/she is fourteen years or older, the parent or legal guardian, and appropriate agencies.
- 403.5 Written minutes will be taken at every C.I.T. meeting. Minutes will be reviewed for accuracy of reporting by C.I.T. members prior to entry into the permanent record.
 - 403.5(a) Minutes will reflect member attendance as well as the presence of additional persons who may be in attendance for part or all of the meeting.
 - 403.5(b) Minutes will list evidence presented to the C.I.T.
 - 403.5(c) Minutes will record any votes at the Team meeting as well as final case decisions.
 - 403.5(d) Minutes shall be maintained in a permanent file by the Office for Children.
 - 403.5(e) A copy of the C.I.T. minutes shall be sent to C.I.T. members.
 - 403.5(f) A copy of the C.I.T. minutes regarding individual cases from that region shall be sent to the Help for Children Supervisors who shall share the material with the Regional Interagency Team Chair and the relevant Office for Children Advocate.

- 403.6 An ongoing written log of all cases referred to the C.I.T. shall be maintained.
- 403.7 Case materials of all cases referred to the C.I.T. shall be maintained by the Office for Children Help for Children Unit.
- 403.8 C.I.T. meetings are not public meetings. Client confidentiality will be preserved.
- 403.9 A case requiring alteration of the original service request because of changed circumstances of the child will be referred back to the Regional Interagency Team for updating and resubmission to the C.I.T., if needed.
- 403.10 All agency assignments, whether reached by majority or by determination of the Director of the Office for Children, must fall within the jurisdiction of the agency assigned.

404.0 Role of the Central Interagency Team Chairperson

- 404.1 The Director of the Office for Children (or designee) is the Chair of the C.I.T. and as such is responsible for assuring that a quorum is present for Central Team meetings.
- 404.2 In the absence of a majority decision by the C.I.T., the Chairperson of the C.I.T. shall designate and require an agency to provide appropriate and needed services to a child.
- 404.3 The Chairperson of the C.I.T. shall notify the Director of the OFC if it is determined that an agency has failed to provide services to a child in a manner consistent with the decision of the C.I.T.

405.0 The Role of the Office for Children Director

- 405.1 Within one week of the referral to the Director of the OFC, he/she shall contact in writing the Commissioner of the designated agency which has failed to provide the appropriate service.
- 405.2 Unless the delay would harm the child, the Director of the OFC will allow two weeks for a verbal or written response indicating whether the service will or will not be provided prior to escalating the case to the Secretary of the Executive Office of Human Services (EOHS).

405.3 No later than two weeks from the date the Commissioner of the designated agency is notified, the Director of the OFC shall refer to the Secretary of EOHS any case which the Commissioner is unable to provide services in a manner consistent with the decision of the C.I.T.

405.4 The Director of the OFC shall forward to the Secretary of EOHS information indicating the C.I.T. decision signed by C.I.T. members, the reasons for this decision, and the applicability of the decision to the agency's jurisdiction.

Note: EOHS section to be included in IT regulations when promulgated.



The Commonwealth of Massachusetts

Executive Office of Human Services

One Ashburton Place, Room 1109
Boston, Massachusetts 02108

MICHAEL S. DUKAKIS
GOVERNOR

PHILIP W. JOHNSTON
SECRETARY

AREA CODE

EOHS - CIT STANDARD OPERATING PROCEDURES

(500.0) Cause For Escalation to EOHS

The Director of OFC shall refer a case to EOHS under the following conditions:

- (a) Non-compliance - The Director has determined, following notice and consultation with the Commissioner of the designated agency, that the agency has failed to substantially provide the services recommended by the CIT. The determination shall be made no later than 60 days following the date of service initiation agreed to by the TEAM.
- (b) Commissioner appeal - The Director is notified by the Commissioner of the designated agency no later than 14 days following notice of a CIT assignment that the designated agency disputes the TEAM determination.

(501.0) Grounds for Agency Dispute of CIT Assignment

An agency shall accept responsibility assigned by the CIT where the decision of the TEAM is "reasonable" and "within the jurisdiction" of the agency, as defined below:

- (a) "reasonable" -
 - 1. the required service is appropriate to the child's need.
 - 2. the required service is necessary in that all less restrictive alternatives have been explored.
 - 3. proper consideration has been given to all agencies and programs potentially responsible and capable of delivering the required service.
- (b) "jurisdiction" -

to be determined by the agency's applicable enabling statutes, regulations, and public need for services which the agency is mandated to provide.

(502.0) Funding Barriers to Compliance with CIT Assignments

When the CIT or a designated agency reasonably believes that the agency lacks sufficient financial resources to provide the services recommended by the CIT, the CIT representative of the designated agency shall prepare a written application to the EOHS Children's Reserve. Lack of sufficient funds is not grounds for case escalation to EOHS, as defined at 500.0.

(503.0) Services Pending EOHS Review

- (a) Pending review by the Secretary the agency or agencies providing services to the child shall continue to do so.
- (b) Pending review by the Secretary, the CIT shall continue negotiation of the case in an attempt to reach informal resolution and to monitor the status of the child. At any time prior to the Secretary's decision, an agency or the CIT may withdraw a case from EOHS review, provided in the opinion of the CIT that withdrawal is believed to result in more timely delivery of appropriate services to the child.

(504.0) Documentation Required for Escalation to EOHS

- (a) Letter of transmittal from the Director identifying basis for escalation and determination that existing procedures or attempts at mediation are inadequate to solve the case.
- (b) Referral sheet, including:
 - ° Child's name, address, family or guardian, and legal status
 - ° Brief description of child's presenting problems, service needs and barriers to service delivery
 - ° Signed Release of Information Form
 - ° Regional Team Implementation Plan
 - ° CIT agency assignment, if applicable, and date of assignment
 - ° Regional and Central Team Presentation Dates
 - ° Date service expected to be available
 - ° Principal contact person for the child, family, and advocate
 - ° Identification of responsible agency representative including LEA
 - ° Director's notice of noncompliance, if applicable
 - ° Commissioner's response to Director's notice of noncompliance
 - ° Agency sign-off

(505.0) Responsible EOHS Personnel

The Secretary shall designate a staff person within EOHS to serve as the CIT liaison for purposes of ongoing consultation, attendance at CIT meetings, and coordination of decisions for cases referred to EOHS for review.

Assistant Secretaries within EOHS will be consulted when their respective agencies are involved.

Cases which involve interpretation of an agency's procedures, regulations, or statutes will be referred to the EOHS Legal Unit for consultation or resolution of dispute over agency jurisdiction.

Funding requests will be referred to the EOHS Budget Unit for verification.

(506.0) EOHS Case Review Procedures

No later than 5 days following determination by the Director that an irresolvable case of agency dispute or noncompliance exists, the Director shall refer the case to the EOHS CIT liaison according to the transmittal requirements of 504.0. All CIT requests will be directed to the EOHS Assistant Secretary for Social & Mental Health Services for review and final recommendation to the Secretary.

Within 5 days of receipt, the CIT liaison may request additional information deemed necessary for further EOHS review.

The Director, CIT chairperson, or any representative from the disputing agency may request a meeting with the CIT liaison for the purpose of oral presentation of the case. In the case of agency disputation, both the disputing agency representative and the chairperson of the CIT or his/her designee shall be invited.

Not more than 10 days following receipt of a case escalation from the Director, the EOHS CIT liaison shall prepare a written recommendation to the Secretary. This recommendation will address the following:

- - a general statement of the presenting facts.
- - whether the referral is an appropriate escalation within the meaning of 500.0.
- - whether the CIT assignment, if applicable, is reasonable and within the jurisdiction of the designated agency, and if not, an explanation of the basis for disagreement.
- - a description of the outstanding barriers to service delivery and recommendations for resolution.
- - a recommendation for agency designation.

Within 5 days of receipt of the EOHS/CIT liaison recommendation, the Secretary shall issue a directive to the Director and to the Commissioner represented on the CIT.

Upon final decision by the Secretary, the agency (ies) assigned case responsibility shall take immediate steps to implement the individual's service plan. Within 5 days the designated agencies will respond in writing to the EOHS/CIT liaison outlining specific implementation plans including timetables.

(507.0) Procedures Governing Application for EOHS Children's Reserve Funding

(a) Any agency, through the CIT, may refer a case to EOHS for Children's Reserve funding by notifying the EOHS CIT liaison, in writing, of the need for such application.

(b) Prerequisites for Application

1. Programmatic responsibility for the case has been established without dispute, as determined by report of the CIT or decision of the Secretary.
2. The designated agency(ies) must substantiate exhaustion of agency funding possibilities.
3. The scope and amount of educational benefits for which the child is eligible has been established and is documented.

(c) Criteria for Award of EOHS Children's Reserve Funds

- 1- Funds are not available in an accessible agency account
- 2- Cost-sharing among responsible agencies will not cover the full expense of the case
- 3- The agency or agencies require development funds beyond the expense of the instant case in order to provide the program required (e.g. low incidence or service gap)
- 4- The marginal cost of the services required, in view of prior CIT assignments to the agency, would present an undue hardship
- 5- The agency has a plan for annual review of individual's needs and annualization of costs associated with the case, approved by EOHS.

The EOHS/CIT liaison, after consultation with the EOHS Budget Unit, will recommend to the Secretary (through the Assistant Secretary for Social and Mental Health Services) approval or denial of request for funds within 10 days of receipt of agency/CIT request. The Secretary will approve or deny request within 10 days of recommendation from EOHS/CIT liaison.

Upon Secretary's final authority, CIT agency representative will be notified in writing of decision.

Requests from EOHS to legislature for transfer of funds from EOHS Children's Reserve Account to the appropriate agency line item will be submitted on a quarterly basis.

(508.0) Mechanism to Ensure Periodic Review and Action to Resolve Policy, Budgetary and/or Program Development Issues

A regular intervals, but not less than bi-annually, the Assistant Secretary for Social and Mental Health Policy shall convene a meeting of the Director of OFC, the EOHS/C.I.T. liaison and the C.I.T. members for the purpose of developing inter-agency policies, budget strategies and/or specific program initiatives in response to the service gaps and policy conflicts brought to light by the cases escalated to EOHS in the preceding time period.

January, 1985

(TO BE COPIED ON REGIONAL LETTERHEAD)

GENERAL RELEASE FORM

A. PERMISSION TO PROVIDE ADVOCACY SERVICES

I authorize the Office for Children/Help for Children Program to assist me and to act on behalf of my child and myself in order to obtain needed services for my child, _____.

B. PERMISSION TO RELEASE AND SHARE INFORMATION

I authorize the following holders of information to release and share any and all information concerning _____ in order to obtain needed services for my child

_____ Department of Social Services	_____ Department of Youth Services
_____ Department of Mental Health	_____ Department of Public Health
_____ Social Security Administration	_____ Department of Public Welfare
_____ Massachusetts Rehabilitation Commission	_____ Massachusetts Office for Deafness And Hard of Hearing
_____ Massachusetts Commission of the Blind	_____ Juvenile & Probate Court
_____ Office for Children	_____ Department of Education
_____ _____ School	_____ _____ School
_____ Other: _____	

I place the following restrictions on the material to be released: _____

Signed this _____ day of _____, 19____.

Parent/Guardian

Parent/Guardian

Example of Resource File Categories

General:

- Adaptive Services
- Adaptive Housing
- Adolescent Issues
- Adoption
- Advocacy
- Alcohol/Drugs
- Alcoholism
- Blind/Visual Impairment
- Camp
- Child Care Development
- Counseling
- Day Care
- Deaf/Hearing Impaired
- Dental Care
- Disabilities
- Early Intervention
- Education: General
- Education: Bilingual
- Education: Early Childhood
- Education: Special Education
- Emergency Services
- Financial Aid/Entitlements
- Foster Care
- Group Care
- Head Injured
- Health Care
- Health Care: Teen Pregnancy
- Hotlines
- Housing
- Information and Referral
- Juvenile Justice
- Learning Disabilities
- Legal Issues
- Medical Care
- Mental Health
- Mental Retardation
- Minority Services
- Parenting
- Physical Disabilities
- Protective Services
- C.E.S.: Comprehensive Emergency Services
- Domestic Violence
- Recreation
- Refugees
- Residential Schools
- Respite
- Transportation

Utilities
Women's Issues

State Agencies:

Interagency Agreements
Department of Corrections
Department of Education
Department of Mental Health
Department of Mental Retardation
Department of Public Welfare
Department of Public Utilities
Department of Social Services
Department of Youth Services
Department of Employment Security
Executive Office of Communities and Development
Executive Office of Human Services
Mass. Commission for the Blind
Mass. Commission for the Deaf or Hard of Hearing
Mass. Rehabilitation Commission
Office For Children
Rate Setting Commission
Social Security Administration
State Library
Veterans Administration

ACRONYMS

A & F	Administration and Finance
AFDC	Aid to Families with Dependent Children
ALATEEN	Program for children of alcoholics
ALJ	Administrative Law Judge
ARC	Association for Retarded Citizens
ASL	American Sign Language
BSEA	Bureau of Special Education Appeals
BVA	Board of Veterans Appeals
BTP	Bureau of Transitional Planning
CA	Chronological Age
CAP	Community Action Program
CETA	Comprehensive Employment and Training Act
CET	Core Evaluation Team
CERC	Community Evaluation and Rehabilitation Clinic
CCR&R	Child Care Resource & Referral
CF	Cystic Fibrosis
CHAMPUS	Civilian Health and Medical Program of the Uniformed Service
CHAMPVA	Civilians Health and Medical Program of the Veterans Administration
CP	Cerebral Palsy
CPS	Children's Protective Service
CSA	Community Service Area
CWLA	Child Welfare League of America
DCA	Department of Community Affairs

DES	Division of Employment Security (state)
DD	Development Disabilities
DFHS	Division of Public Health's Division of Family Health Services
DHHS	U.S. Department of Health and Human Services
DOE	Department of Education (state)
DMH	Department of Mental Health (state)
DMR	Department of Mental Retardation
DPH	Department of Public Health (state)
DPH/DDR	Department of Public Health/Division of Drug Rehabilitation
DPU	Department of Public Utilities (state)
DPW	Department of Public Welfare (state)
DSE	Division of Special Education
DSS	Department of Social Services (state)
DYS	Department of Youth Services (state)
EA	Emergency Assistance
ECDSU	Early Childhood Development Service Unit
EEG	Electroencephalogram
ED	Emotionally disturbed
EOCD	Executive Office of Community and Development
EOHS	Executive Office of Human Services (state)
FY	Fiscal Year
FDC	Family Day Care.
FICA	Federal Insurance Contribution Act
FNSS	Food and Nutrition Service
GED	General Equivalency Diploma (high school)

GET	Grant for Education and Training
GR	General Relief
HAP	Housing Assistance Payments
HELP	Guaranteed Student Loans
HHS	Health and Human Services
HI	Hearing Impaired
HUD	Department of Housing and Urban Development (federal)
ICF	Intensive Care Facility
ICF/MR	Intermediate Care Facility for the Mentally Retarded
IEP	Individual Education Plan
IKM	Individual Kid Money
IQ	Intelligence Quotient
IT	Interagency Team
IMCF	Intermediate Care Facility
INS	Immigration and Naturalization Services
IRS	Internal Revenue Service
IWPR	Individual Written Rehabilitation Plan
JIPA	Job Training Partnership Act
LD	Learning Disabilities
LEA	Local Education Agency (local school systems)
LHA	Local Housing Authority
MA	Mental Age
MA	Medical Assistance
MACLD	Massachusetts Association for Children with Learning Disabilities
MAMH	Massachusetts Association for Mental Health

MAFC	Massachusetts Association for Retarded Citizens
MARE	Massachusetts Adoption Resource Exchange
MCAD	Massachusetts Commission Against Discrimination
MCB	Massachusetts Commission for the Blind
MCCY	Massachusetts Committee for Children and Youth
MCDHH	Massachusetts Commission for the Deaf and Hard of Hearing
MDDC	Massachusetts Developmental Disability Council
MH	Mental Health
MHFA	Massachusetts Housing Finance Agency
MR	Mental Retardation
MRC	Massachusetts Rehabilitation Commission (state)
MSPCC	Massachusetts Society for the Prevention of Cruelty to Children
MS	Multiple Sclerosis
MTA	Massachusetts Teachers Association
NASW	National Association of Social Workers
NEACC	New England Association for Child Care
NIMH	National Institute of Mental Health (federal)
NVLSP	National Veteran's Legal Service Project
OT	Occupational Therapy
PA	Parents Anonymous
PO	Probation Officer
PAC	Parent Advisory Council
PGH	Project Good Health
PHA	Public Housing Authority
PNA	Personal Needs Allowance

PKU	Phenylketonuria
POS	Purchase of Services
PRE-VOC	Pre-Vocational
PR	Public Relations
PT	Physical Therapy
PTA	Parent Teachers Association
PTO	Parent Teachers Organization
PTSD	Post Traumatic Stress Disorder
RAC	Regional Advisory Council
REGS	Regulations
RFP	Request for Proposals
SAC	Statewide Advisory Council (OFC)
SDA	Service Delivery Area
SEOG	Supplemental Education Opportunity Grant
SIDS	Sudden Infant Death Syndrome
SHIP	Statewide Head Injury Program
SNF	Skilled Nursing Facility
SPED	Special Education - i.e., SPED Administrator, SPED alternative school
SLD	Specific Learning Disability
SSA	Social Security Administration
SSI	Supplemental Security Income
TA	Technical Assistance
TFI	Total Family Income
UC	Unemployment Compensation
UCP	United Cerebral Palsy

VA	Veterans Administration (federal)
VEAD	Veteran's Educational Assistance Program
VEP	Veteran's Education Project
VISTA	Volunteers in Service to America
VNA	Visiting Nurse Association
WC	Worker's Compensation
WIC	Women, Infants, and Children
WRE	Work-Related Expense(s)
WSO	Welfare Service Office
WTP	Work and Training Program

Statutes

Federal

TITLE I	Money for use for pre-school and primary education programs for both public and private use
TITLE II	Library funds for both public and private use
TITLE IIA	Programs for economically disadvantaged adults and youth
TITLE III	Authorizes innovative programs and services for special education
TITLE IV	Authorizes general programs and services for special education
TITLE IV-A	Public Welfare guidelines limiting programs to client income eligibility
TITLE IV-D	Child Support Enforcement
TITLE X	Federal family planning program
TITLE XIX	Medicaid and the deinstitutionalization programs for mentally retarded individuals
TITLE XX	Social Service Block Grant provides reimbursements

TITLE XX

Social Service Block Grant provides reimbursements to states (50% to 83%) for expenditures for medical, rehabilitative and health related services to financially needy, disabled persons and families with dependent children

State

Executive Orders

EXECUTIVE ORDER 244 Prohibits the admission of youth under the age 19 and youth between the ages of 19 - 22, who are receiving structured educational services pursuant to Chapter 766, to adult units of state hospitals.

EXECUTIVE ORDER 246 Prohibits discrimination against the handicapped.

Massachusetts General Laws

Chapter 28A Office for Children.
Statute establishing the Office.

Chapter 71 Improvement of the Public Schools of the Commonwealth to ensure educational excellence and equity for all students in elementary and secondary schools.

Chapter 71B Mandating State Human Service agencies to work with other human service agencies to get services for severely disabled individuals upon graduating or turning 22. Also referred to as the "TURNING 22 LAW".

Chapter 76 Section 5 Guarantees access to all public schools and public school programs and privileges without regard to sex, race, color, national origin or religion.

Chapter 117 Support By the Commonwealth.
Statute establishes the Commonwealth's role in providing support for the poor and indigent of the Commonwealth through the Department of Public Welfare.

Chapter 118 Aid To Families With Dependent Children.
Statute which establishes a mechanism for public aid to families with dependent children.

Chapter 118E Medical Care and Assistance.

Statute which establishes, in conformity with Title XIX of the Social Security Act (P.L. 89-97), a medical care and assistance program for certain residents of the Commonwealth.

Chapter 119 Protection and Care of Children and Proceedings Against Them.

Statute establishes the policy of the Commonwealth for the care and protection of children, children with special needs, physically or emotionally injured children and delinquent children.

Commonly Used Terms

The following terms refer to legislation which amended various sections of Chapter 69-71B of the Commonwealth's Education Statutes.

"Chapter 188" See Massachusetts General Law Chapter 71

"Chapter 622" See Massachusetts General Chapter 76

"Chapter 688" See Massachusetts General Law Chapter 71B

"Chapter 750" Term used to described legislation under which children received Special Education service prior to 1972. Children continued to be the responsibility of the Department of Education under Chapter "750" until the local school system was able to provide appropriate service.

"Chapter 766" The Acts of 1972 establishing Special Education Services. (See Massachusetts General Law Chapter 71B.)

"Chapter 785" The Acts of 1972 establishing the Office for Children. (See Chapter 28A of General Laws.)

"Chapter 1073" CHINS law. (See Chapter 119, Sec. 39E.)

"Chapter 1076" Abuse and Neglect. (See Chapter 119.)

